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**Third Committee**

Agenda item 74 (b)

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**China and Cuba:* draft resolution**

## Human rights and unilateral coercive measures

*The General Assembly*,

*Recalling* all its previous resolutions on this subject, the most recent of which was resolution 72/168 of 19 December 2017, and Human Rights Council decision 18/120 of 30 September 2011[1] and resolutions 24/14 of 27 September 2013,[2] 27/21 of 26 September 2014,[3] 30/2 of 1 October 2015,[4] 36/10 of 28 September 2017[5] and 37/21 of 23 March 2018,[6] as well as previous resolutions of the Council and the Commission on Human Rights,

*Reaffirming* the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 thereof, in which it declared that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

*Taking note* of the reports of the Special Rapporteur of the Human Rights Council on the negative impact of unilateral coercive measures on the enjoyment of human rights, submitted pursuant to General Assembly resolution 72/168[7] and to

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and A/66/53/Add.1/Corr.1), chap. III.

[2] Ibid., *Sixty-eighth Session, Supplement No. 53A* (A/68/53/Add.1), chap. III.

[3] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.

[4] Ibid., *Seventieth Session, Supplement No. 53A* (A/70/53/Add.1), chap. III.

[5] Ibid., *Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. III.

[6] Ibid., *Seventy-third Session, Supplement No. 53* (A/73/53) chap. IV, sect. A.

[7] A/73/175.

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Human Rights Council resolutions 27/21 and 30/2,[8] and recalling the reports of the Secretary-General on the implementation of Assembly resolutions 52/120 of 12 December 1997[9] and 55/110 of 4 December 2000,[10]

*Stressing* that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States,

*Recognizing* the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as an integral part of all human rights,

*Recalling* the Final Document of the Sixteenth Ministerial Conference and Commemorative Meeting of the Movement of Non-Aligned Countries, held in Bali, Indonesia, from 23 to 27 May 2011,[11] the Final Document of the Seventeenth Conference of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, from 13 to 18 September 2016, and the documents adopted at previous summits and conferences, in which States members of the Movement agreed to oppose and condemn unilateral coercive measures and their continued application, persevere with efforts to effectively reverse them, urge other States to do likewise, as called for by the General Assembly and other organs of the United Nations, and request States applying those measures or laws to revoke them fully and immediately,

*Recalling also* that, at the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, States were called upon to refrain from any unilateral measure not in accordance with international law and the Charter that creates obstacles to trade relations among States and impedes the full realization of all human rights[12] and also severely threatens the freedom of trade,

*Bearing in mind* all the references to this question in the Copenhagen Declaration on Social Development, adopted by the World Summit for Social Development on 12 March 1995,[13] the Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women on 15 September 1995,[14] the Quito Declaration on Sustainable Cities and Human Settlements for All and the Quito implementation plan for the New Urban Agenda, adopted by the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) on 20 October 2016,[15] and in the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, the 2030 Agenda for Sustainable Development,

*Recalling* General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries,

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[8] A/HRC/36/44.

[9] A/53/293 and A/53/293/Add.1.

[10] A/56/207 and A/56/207/Add.1.

[11] A/65/896-S/2011/407, annex I.

[12] See A/CONF.157/24 (Part I), chap. III.

[13] *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex I.

[14] *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[15] Resolution 71/256, annex.

*Expressing concern* about the negative impact of unilateral coercive measures on international relations, trade, investment and cooperation,

*Expressing grave concern* that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities,

*Deeply concerned* that, despite the recommendations adopted on this question by the General Assembly, the Human Rights Council, the Commission on Human Rights and recent major United Nations conferences, and contrary to general international law and the Charter, unilateral coercive measures continue to be promulgated and implemented, with all their negative implications for the social humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

*Bearing in mind* all the extraterritorial effects of any unilateral legislative, administrative and economic measures, policies and practices of a coercive nature against the development process and the enhancement of human rights in developing countries, which create obstacles to the full realization of all human rights,

*Reaffirming* that unilateral coercive measures are a major obstacle to the implementation of the Declaration on the Right to Development,[16]

*Recalling* article 1, paragraph 2, common to the International Covenant on Civil and Political Rights[17] and the International Covenant on Economic, Social and Cultural Rights,[17] which provides, inter alia, that in no case may a people be deprived of its own means of subsistence,

*Noting* the continuing efforts of the open-ended Working Group on the Right to Development of the Human Rights Council, and reaffirming in particular its criteria, according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development,

1. *Urges* all States to cease adopting or implementing any unilateral measures not in accordance with international law, international humanitarian law, the Charter of the United Nations and the norms and principles governing peaceful relations among States, in particular those of a coercive nature, with all their extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights[18] and other international human rights instruments, in particular the right of individuals and peoples to development;

2. *Strongly urges* States to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter that impede the full achievement of sustainable economic and social development, particularly in developing countries;

3. *Condemns* the inclusion of Member States in unilateral lists under false pretexts, which are contrary to international law and the Charter, including false

[16] Resolution 41/128, annex.

[17] See resolution 2200 A (XXI), annex.

[18] Resolution 217 A (III).

allegations of terrorism sponsorship, considering such lists as instruments for political or economic pressure against Member States, particularly developing countries;

4. *Urges* all States not to adopt any unilateral measures not in accordance with international law and the Charter that impede the full achievement of economic and social development by the population of the affected countries, in particular children and women, that hinder their well-being and that create obstacles to the full enjoyment of their human rights, including the right of everyone to a standard of living adequate for his or her health and well-being and his or her right to food, medical care and education and the necessary social services, as well as to ensure that food and medicine are not used as tools for political pressure;

5. *Strongly objects* to the extraterritorial nature of those measures which, in addition, threaten the sovereignty of States, and in this context calls upon all Member States neither to recognize those measures nor to apply them, as well as to take administrative or legislative measures, as appropriate, to counteract the extraterritorial applications or effects of unilateral coercive measures;

6. *Condemns* the continuing unilateral application and enforcement by certain Powers of unilateral coercive measures, and rejects those measures, with all their extraterritorial effects, as being tools for political or economic pressure against any country, in particular against developing countries, adopted with a view to preventing those countries from exercising their right to decide, of their own free will, their own political, economic and social systems, and because of the negative effects of those measures on the realization of all the human rights of vast sectors of their populations, in particular children, women, the elderly and persons with disabilities;

7. *Expresses grave concern* that, in some countries, the situation of children is adversely affected by unilateral coercive measures not in accordance with international law and the Charter that create obstacles to trade relations among States, impede the full realization of social and economic development and hinder the well-being of the population in the affected countries, with particular consequences for women, children, including adolescents, the elderly and persons with disabilities;

8. *Reaffirms* that essential goods such as food and medicines should not be used as tools for political coercion and that under no circumstances should people be deprived of their own means of subsistence and development;

9. *Calls upon* Member States that have initiated such measures to abide by the principles of international law, the Charter, the declarations of the United Nations and world conferences and relevant resolutions and to commit themselves to their obligations and responsibilities arising from the international human rights instruments to which they are parties by revoking such measures at the earliest possible time;

10. *Reaffirms*, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

11. *Recalls* that, according to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, contained in the annex to General Assembly resolution 2625 (XXV) of 24 October 1970, and the relevant principles and provisions contained in the Charter of Economic Rights and Duties of States, proclaimed by the Assembly in its resolution 3281 (XXIX), in particular article 32 thereof, no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind;

12. *Rejects* all attempts to introduce unilateral coercive measures, and urges the Human Rights Council to take fully into account the negative impact of those measures, including through the enactment and extraterritorial application of national laws that are not in conformity with international law, in its task concerning the implementation of the right to development;

13. *Requests* the United Nations High Commissioner for Human Rights, in discharging her functions relating to the promotion, realization and protection of the right to development and bearing in mind the continuing impact of unilateral coercive measures on the population of developing countries, to give priority to the present resolution in her annual report to the General Assembly;

14. *Underlines* the fact that unilateral coercive measures are one of the major obstacles to the implementation of the Declaration on the Right to Development,[16] and in this regard calls upon all States to avoid the unilateral imposition of economic coercive measures and the extraterritorial application of national laws that run counter to the principles of free trade and hamper the development of developing countries, as recognized by the open-ended Working Group on the Right to Development of the Human Rights Council;

15. *Recognizes* that, in the Declaration of Principles adopted at the first phase of the World Summit on the Information Society, held in Geneva from 10 to 12 December 2003,[19] States were strongly urged to avoid and refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations in building the information society;

16. *Reaffirms* paragraph 30 of the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",[20] in which States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations that impede the full achievement of economic and social development, particularly in developing countries;

17. *Recalls* the decision of the Human Rights Council, in its resolution 27/21,[3] to appoint a Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, and welcomes the work done in delivering his mandate;

18. *Welcomes* the decision taken by the Human Rights Council, in its resolution 36/10,[5] to extend, for a period of three years, the mandate of the Special Rapporteur as set out in Council resolution 27/21;

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Special Rapporteur, and also requests them, in discharging their functions in relation to the promotion and protection of human rights, to pay due attention and to give urgent consideration to the present resolution;

20. *Recalls* that the Human Rights Council took note of the research-based progress report of its Advisory Committee containing recommendations on mechanisms to assess the negative impact of unilateral coercive measures on the enjoyment of human rights and to promote accountability;[21]

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[19] A/C.2/59/3, annex, chap. I, sect. A.

[20] Resolution 70/1.

[21] A/HRC/28/74.

21. *Takes note* of the contribution of the first biennial panel discussion on the issue of unilateral coercive measures and human rights organized by the Human Rights Council in 2015 to increase awareness of the negative impact that unilateral coercive measures have on the enjoyment of human rights in the targeted and non-targeted countries, and invites the Council to follow up on the discussion at the second biennial panel in 2017;

22. *Invites* the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights to continue paying attention and explore ways to address the negative impact of the application of unilateral coercive measures;

23. *Reiterates its support* for the invitation of the Human Rights Council to all special rapporteurs and existing thematic mechanisms of the Council in the field of economic, social and cultural rights to pay due attention, within the scope of their respective mandates, to the negative impact and consequences of unilateral coercive measures;

24. *Takes note with interest* of the proposals contained in the report of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights,[7] and requests the Special Rapporteur to include in his report to the General Assembly at its seventy-fourth session more information on the process regarding the discussions of his proposals at the Human Rights Council;

25. *Reaffirms* the request of the Human Rights Council that the Office of the United Nations High Commissioner for Human Rights organize a workshop on the impact of the application of unilateral coercive measures on the enjoyment of human rights by the affected populations, in particular their socioeconomic impact on women and children, in the States targeted;

26. *Requests* the Special Rapporteur to submit to the General Assembly at its seventy-fourth session a report on the implementation of the present resolution and on the negative impact of unilateral coercive measures on the full enjoyment of human rights;

27. *Invites* Governments to cooperate fully with the Special Rapporteur in the fulfilment of his mandate through, inter alia, the submission of comments and suggestions on the implications and negative effects of unilateral coercive measures on the full enjoyment of human rights;

28. *Decides* to examine the question on a priority basis at its seventy-fourth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" of the item entitled "Promotion and protection of human rights".

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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**China and Cuba:* draft resolution**

## Enhancement of international cooperation in the field of human rights

*The General Assembly*,

*Reaffirming its commitment* to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1] for enhancing genuine cooperation among Member States in the field of human rights,

*Recalling* its resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the General Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals,

*Recalling also* its adoption of the United Nations Millennium Declaration on 8 September 2000,[2] its resolution 72/169 of 19 December 2017, Human Rights Council resolution 38/3 of 5 July 2018[3] and the resolutions of the Commission on Human Rights on the enhancement of international cooperation in the field of human rights,

*Recalling further* the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, the Durban Review Conference, held in Geneva from 20 to

* On behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries.

[1] A/CONF.157/24 (Part I), chap. III.

[2] Resolution 55/2.

[3] See *Official Records of the General Assembly, Seventy-third Session, Supplement No. 53* (A/73/53), chap. VI, sect. A.



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24 April 2009, and the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action,[4] and their role in the enhancement of international cooperation in the field of human rights,

*Recognizing* that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

*Recognizing also* that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

*Underlining* that cooperation is not just a matter of relations of good-neighbourliness, coexistence or reciprocity, but rather of a willingness to look beyond mutual interests in order to advance the general interest,

*Stressing* the importance of international cooperation for improving the living conditions of all in every country, including, in particular, in developing countries,

*Reaffirming* that dialogue among religions, cultures and civilizations in the field of human rights could contribute greatly to the enhancement of international cooperation in this field,

*Reiterating* the important role that genuine human rights dialogue can play in the enhancement of cooperation in the field of human rights at the bilateral, regional and international levels,

*Emphasizing* that human rights dialogue should be constructive and based on the principles of universality, indivisibility, objectivity, non-selectivity, non-politicization, mutual respect and equal treatment, with the aim of facilitating mutual understanding and strengthening constructive cooperation, including through capacity-building and technical cooperation between States,

*Emphasizing also* the need for further progress in the promotion and encouragement of respect for human rights and fundamental freedoms through, inter alia, international cooperation,

*Underlining* the fact that mutual understanding, dialogue, cooperation, transparency and confidence-building are important elements in all activities for the promotion and protection of human rights,

*Recalling* the adoption of resolution 2000/22 of 18 August 2000, on the promotion of dialogue on human rights issues, by the Subcommission on the Promotion and Protection of Human Rights at its fifty-second session,[5]

1. *Reaffirms* that it is one of the purposes of the United Nations and the responsibility of all Member States to promote, protect and encourage respect for human rights and fundamental freedoms through, inter alia, international cooperation;

2. *Recognizes* that, in addition to their separate responsibilities to their individual societies, States have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level;

3. *Reaffirms* that dialogue among cultures and civilizations facilitates the promotion of a culture of tolerance and respect for diversity, and welcomes in this

[4] Resolution 66/3.

[5] See E/CN.4/2001/2–E/CN.4/Sub.2/2000/46, chap. II, sect. A.

regard the holding of conferences and meetings at the national, regional and international levels on dialogue among civilizations;

4. *Also reaffirms* the duty of States to cooperate with one another in accordance with the Charter of the United Nations in the promotion of universal respect for and observance of human rights and fundamental freedoms for all, including with respect to the elimination of all forms of racial discrimination and all forms of religious intolerance;

5. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

6. *Reaffirms* the importance of the enhancement of international cooperation for the promotion and protection of human rights and for the achievement of the objectives of the fight against racism, racial discrimination, xenophobia and related intolerance;

7. *Considers* that international cooperation in the field of human rights, in conformity with the purposes and principles set out in the Charter of the United Nations and international law, should make an effective and practical contribution to the urgent task of preventing violations of human rights and fundamental freedoms;

8. *Reaffirms* that the promotion, protection and full realization of all human rights and fundamental freedoms should be guided by the principles of universality, non-selectivity, cooperation and genuine dialogue, objectivity and transparency, in a manner consistent with the purposes and principles set out in the Charter;

9. *Emphasizes* the importance of the universal periodic review as a mechanism based on cooperation and constructive dialogue with the objective of, inter alia, improving the situation of human rights on the ground and promoting the fulfilment of the human rights obligations and commitments undertaken by States;

10. *Also emphasizes* the need for a cooperative and constructive approach on the part of all stakeholders to resolving human rights issues in international forums;

11. *Further emphasizes* the role of international cooperation in support of national efforts and in increasing the capacities of Member States in the field of human rights through, inter alia, the enhancement of their cooperation with human rights mechanisms, including through the provision of technical assistance, upon the request of and in accordance with the priorities set by the States concerned;

12. *Calls upon* Member States, the specialized agencies and intergovernmental organizations to continue to carry out a constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

13. *Urges* States to take measures necessary to enhance bilateral, regional and international cooperation aimed at addressing the adverse impact of consecutive and compounded global crises, such as financial and economic crises, food crises, climate change and natural disasters, on the full enjoyment of human rights;

14. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

15. *Encourages* all Member States and the United Nations system to explore and foster complementarities among North-South, South-South and triangular cooperation aiming at the enhancement of international cooperation in the field of human rights;

16. *Requests* the Secretary-General, in collaboration with the United Nations High Commissioner for Human Rights, to consult States and intergovernmental and non-governmental organizations on ways and means, as well as on obstacles and challenges and possible proposals to overcome them, for the enhancement of international cooperation and genuine dialogue in the United Nations human rights machinery, including the Human Rights Council;

17. *Decides* to continue its consideration of the question at its seventy-fourth session.

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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Bangladesh, Belarus, Bolivia (Plurinational State of), China, Cuba, Democratic People's Republic of Korea, Myanmar, Nicaragua, Russian Federation, Venezuela (Bolivarian Republic of) and Viet Nam: draft resolution**

## Promotion of a democratic and equitable international order

*The General Assembly*,

*Recalling* its previous resolutions on the promotion of a democratic and equitable international order, including resolution 72/172 of 19 December 2017, and Human Rights Council resolutions 18/6 of 29 September 2011,[1] 33/3 of 29 September 2016,[2] 36/4 of 28 September 2017[3] and 39/4 of 27 September 2018,[4]

*Reaffirming* the commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all, in accordance with the Charter of the United Nations, other instruments relating to human rights and international law,

*Affirming* that the enhancement of international cooperation for the promotion and protection of all human rights should continue to be carried out in full conformity with the purposes and principles of the Charter and international law, as set forth in Articles 1 and 2 of the Charter, and with full respect for, inter alia, sovereignty, territorial integrity, political independence, the non-use of force or the threat of force in international relations and non-intervention in matters that are essentially within the domestic jurisdiction of any State,

[1] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and A/66/53/Add.1/Corr.1), chap. II.

[2] Ibid., *Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

[3] Ibid., *Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. III.

[4] Ibid., *Seventy-third Session, Supplement No. 53A* (A/73/53/Add.1), chap. III.



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*Recalling* the Preamble to the Charter, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small,

*Reaffirming* that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[5] can be fully realized,

*Reaffirming also* the determination expressed in the Preamble to the Charter to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practise tolerance and good-neighbourliness and to employ international machinery for the promotion of the economic and social advancement of all peoples,

*Stressing* that the responsibility for managing worldwide economic and social issues, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally, and that in this regard the central role must be played by the United Nations, as the most universal and representative organization in the world,

*Concerned* about the continued abuse by Member States of the extraterritorial application of their national legislation in a manner that affects the sovereignty of other States, the legitimate interests of entities or persons under their jurisdiction and the full enjoyment of human rights,

*Considering* the major changes taking place on the international scene and the aspirations of all peoples for an international order based on the principles enshrined in the Charter, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, the rule of law, pluralism, development, better standards of living and solidarity,

*Recognizing* that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

*Considering* that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

*Reaffirming* that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing and that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives,

*Recognizing* that the promotion and protection of human rights should be based on the principle of cooperation and genuine dialogue and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all human beings,

*Emphasizing* that democracy is not only a political concept, but that it also has economic and social dimensions,

[5] Resolution 217 A (III).

*Recognizing* that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

*Noting with concern* that racism, racial discrimination, xenophobia and related intolerance may be aggravated by, inter alia, inequitable distribution of wealth, marginalization and social exclusion,

*Reaffirming* that dialogue among religions, cultures and civilizations could contribute greatly to the enhancement of international cooperation at all levels,

*Underlining* the fact that it is imperative for the international community to ensure that globalization becomes a positive force for all the world's people and that only through broad and sustained efforts, based on our common humanity in all its diversity, can globalization be made fully inclusive and equitable,

*Deeply concerned* that the current global economic, financial, energy and food crises, resulting from a combination of several major factors, including macroeconomic and other factors, such as environmental degradation, desertification and global climate change, natural disasters and the lack of financial resources and the technology necessary to confront their negative impact in developing countries, particularly in the least developed countries and small island developing States, represent a global scenario that is threatening the adequate enjoyment of all human rights and widening the gap between developed and developing countries,

*Recognizing* that a democratic and equitable order requires the reform of international financial institutions, in order to widen and strengthen the level of participation of developing countries in the international decision-making process, and a more transparent and open financial system, as well as adequate measures against illicit financial flows, such as tax fraud, tax evasion, illegal capital flight, money-laundering and the proceeds of corruption, and for improving tax transparency worldwide,

*Stressing* that efforts to make globalization fully inclusive and equitable must include policies and measures at the global level that correspond to the needs of developing countries and countries with economies in transition and are formulated and implemented with their effective participation,

*Stressing also* the need for adequate financing of, technology transfer to and capacity-building in developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, including to support their efforts to adapt to climate change,

*Having listened* to the peoples of the world, and recognizing their aspirations to justice, to equality of opportunity for all, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life,

*Recalling* Human Rights Council resolutions 5/1 on institution-building of the Council and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council of 18 June 2007,[6] and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

[6] *See Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

*Emphasizing* the importance of the 2030 Agenda for Sustainable Development[7] for the promotion of a democratic and equitable international order,

*Resolved* to take all measures within its power to secure a democratic and equitable international order,

1. *Affirms* that everyone is entitled to a democratic and equitable international order;

2. *Also affirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Takes note* of the report of the Independent Expert of the Human Rights Council on the promotion of a democratic and equitable international order;[8]

4. *Calls upon* all Member States to fulfil their commitment expressed in Durban, South Africa, during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to maximize the benefits of globalization through, inter alia, the strengthening and enhancement of international cooperation to increase equality of opportunities for trade, economic growth and sustainable development, global communications through the use of new technologies and increased intercultural exchange through the preservation and promotion of cultural diversity,[9] and reiterates that only through broad and sustained efforts to create a shared future based upon our common humanity and all its diversity can globalization be made fully inclusive and equitable;

5. *Declares* that democracy includes respect for all human rights and fundamental freedoms and is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives, and reaffirms the need for universal adherence to and implementation of the rule of law at both the national and international levels;

6. *Affirms* that a democratic and equitable international order requires, inter alia, the realization of the following:

(a) The right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development;

(b) The right of peoples and nations to permanent sovereignty over their natural wealth and resources;

(c) The right of every human person and all peoples to development;

(d) The right of all peoples to peace;

(e) The right to an international economic order based on equal participation in the decision-making process, interdependence, mutual interest, solidarity and cooperation among all States;

(f) International solidarity, as a right of peoples and individuals;

(g) The promotion and consolidation of transparent, democratic, just and accountable international institutions in all areas of cooperation, in particular through the implementation of the principle of full and equal participation in their respective decision-making mechanisms;

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[7] Resolution 70/1.

[8] See A/73/158.

[9] See A/CONF.189/12 and A/CONF.189/12/Corr.1, chap. I.

(h) The right to equitable participation of all, without any discrimination, in domestic and global decision-making;

(i) The principle of equitable regional and gender-balanced representation in the composition of the staff of the United Nations system;

(j) The promotion of a free, just, effective and balanced international information and communications order based on international cooperation for the establishment of a new equilibrium and greater reciprocity in the international flow of information, in particular correcting the inequalities in the flow of information to and from developing countries;

(k) Respect for cultural diversity and the cultural rights of all, since this enhances cultural pluralism, contributes to a wider exchange of knowledge and understanding of cultural backgrounds, advances the application and enjoyment of universally accepted human rights across the world and fosters stable, friendly relations among peoples and nations worldwide;

(l) The right of every person and all peoples to a healthy environment and to enhanced international cooperation that responds effectively to the needs for assistance of national efforts to adapt to climate change, particularly in developing countries, and that promotes the fulfilment of international agreements in the field of mitigation;

(m) The promotion of equitable access to benefits from the international distribution of wealth through enhanced international cooperation, in particular in international economic, commercial and financial relations;

(n) The enjoyment by everyone of ownership of the common heritage of humankind in connection to the public right of access to culture;

(o) The shared responsibility of the nations of the world for managing worldwide economic and social development, as well as threats to international peace and security, which should be exercised multilaterally;

7. *Stresses* the importance of preserving the rich and diverse nature of the international community of nations and peoples, as well as respect for national and regional particularities and various historical, cultural and religious backgrounds, in the enhancement of international cooperation in the field of human rights;

8. *Also stresses* that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and reaffirms that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms for all;

9. *Reaffirms*, among other principles, the sovereign equality of States, non-intervention and non-interference in internal affairs;

10. *Urges* all actors on the international scene to build an international order based on inclusion, social justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

11. *Reaffirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and, to that end, should do their utmost to achieve general and complete disarmament under effective international control, as well as to ensure that the resources released by effective disarmament measures are used for comprehensive development, in particular that of the developing countries;

12. *Underlines* that attempts to overthrow legitimate Governments by force disrupt the democratic and constitutional order, the legitimate exercise of power and the full enjoyment of human rights;

13. *Reaffirms* the need to continue working urgently for the establishment of a new international economic order based on equity, sovereign equality, interdependence, common interest and cooperation among all States, irrespective of their economic and social systems, which shall correct inequalities and redress existing injustices, make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations, in accordance with relevant previous General Assembly resolutions, programmes of action and major conferences and summits in the economic, social and related areas;

14. *Also reaffirms* that the international community should devise ways and means to remove the current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

15. *Urges* States to continue their efforts, through enhanced international cooperation, towards the promotion of a democratic and equitable international order;

16. *Affirms* that a democratic and equitable international order, as prescribed in the Charter of the United Nations, cannot be achieved only through the deregulation of trade, markets and financial services;

17. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for the effective fulfilment of the mandate of the Independent Expert;

18. *Calls upon* all Governments to cooperate with and assist the Independent Expert in his task, to supply all necessary information requested by him and to consider responding favourably to the requests of the Independent Expert to visit their countries to enable him to fulfil his mandate more effectively;

19. *Requests* the Human Rights Council, the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights, the special mechanisms extended by the Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation;

20. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

21. *Requests* the Secretary-General to bring the present resolution to the attention of Member States, United Nations organs, bodies and components, intergovernmental organizations, in particular the Bretton Woods institutions, and non-governmental organizations and to disseminate it on the widest possible basis;

22. *Requests* the Independent Expert to submit to the General Assembly at its seventy-fourth session a report on the implementation of the present resolution, and invites him to undertake research into the impact of financial and economic policies pursued by international organizations and other institutions, in particular those of the World Bank and the International Monetary Fund, on a democratic and equitable international order;

23. *Decides* to continue consideration of the matter at its seventy-fourth session under the item entitled "Promotion and protection of human rights".

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**Seventy-third session**

**Third Committee**

Agenda item 74 (b)

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Belarus, Bolivia (Plurinational State of), Cuba, Democratic People's Republic of Korea, Nicaragua, Russian Federation, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe: draft resolution**

# Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

*The General Assembly*,

*Recalling* its resolutions 65/222 of 21 December 2010, 67/173 of 20 December 2012 and 69/176 of 18 December 2014, and Human Rights Council resolutions 20/15 of 5 July 2012,[1] 23/16 of 13 June 2013,[2] 27/17 of 25 September 2014,[3] 30/12 of 1 October 2015[4] and 35/4 of 22 June 2017,[5] entitled "Promotion of the right to peace",

*Recalling also* its resolution 39/11 of 12 November 1984, entitled "Declaration on the Right of Peoples to Peace", and the United Nations Millennium Declaration,[6]

*Determined* to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

*Bearing in mind* that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

[1] See *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 53* and corrigenda (A/67/53, A/67/53/Corr.1 and A/67/53/Corr.2), chap. IV, sect. A.

[2] Ibid., *Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. V, sect. A.

[3] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.

[4] Ibid., *Seventieth Session, Supplement No. 53A* (A/70/53/Add.1), chap. III.

[5] Ibid., Seventy-second Session, Supplement No. 53 (A/72/53), chap. V, sect. A.

[6] Resolution 55/2.



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*Underlining*, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace and security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

*Reaffirming* the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

*Emphasizing* its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security,

*Reaffirming* the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations,

*Reaffirming its commitment* to peace and security and justice and the continuing development of friendly relations and cooperation among States,

*Rejecting* the use of violence in pursuit of political aims, and stressing that only peaceful political solutions can ensure a stable and democratic future for all people around the world,

*Reaffirming* the importance of ensuring respect for the principles of the sovereignty, territorial integrity and political independence of States and non-intervention in matters that are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

*Reaffirming also* that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

*Reaffirming further* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[7]

*Recognizing* that peace and development are mutually reinforcing, including in the prevention of armed conflict,

*Affirming* that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is in fact the realization of those rights,

*Underlining* the fact that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

*Recalling* that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[8] can be fully realized,

*Convinced* of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples,

*Convinced also* that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation

[7] Resolution 2625 (XXV), annex.
[8] Resolution 217 A (III).

of the rights and fundamental human freedoms proclaimed by the United Nations,

*Convinced further* that international cooperation in the field of human rights contributes to creating an international environment of peace and stability,

1. *Welcomes* the adoption of the Declaration on the Right to Peace,[9] and invites States, agencies and organizations of the United Nations system and intergovernmental and non-governmental organizations to disseminate the Declaration and to promote universal respect and understanding thereof;

2. *Reaffirms* that the peoples of our planet have a sacred right to peace;

3. *Also reaffirms* that the preservation of the right of peoples to peace and the promotion of its implementation constitute a fundamental obligation of all States;

4. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

5. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed and developing worlds pose a major threat to global prosperity, peace and security and stability;

6. *Emphasizes* that the preservation and promotion of peace demand that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

7. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

8. *Urges* all States to respect and to put into practice the purposes and principles of the Charter in their relations with other States, irrespective of their political, economic or social system and of their size, geographical location or level of economic development;

9. *Reaffirms* the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are party and the continuance of which is likely to endanger the maintenance of international peace and security, as a vital requirement for the promotion and protection of all human rights of everyone and all peoples;

10. *Underlines* the vital importance of education for peace as a tool to foster the realization of the right of peoples to peace, and encourages States, the specialized agencies of the United Nations system and intergovernmental and non-governmental organizations to contribute actively to this endeavour;

11. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

12. *Decides* to continue consideration of the question of the promotion of the right of peoples to peace at its seventy-fifth session under the item entitled "Promotion and protection of human rights".

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[9] Resolution 71/189, annex.

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Agenda item 74 (b)

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Antigua and Barbuda, Bangladesh, Belarus, Bolivia (Plurinational State of), Cabo Verde, China, Cuba, Honduras, Lesotho, Mongolia, Myanmar, Nicaragua, Russian Federation, Venezuela (Bolivarian Republic of) and Viet Nam: draft resolution**

## The right to food

*The General Assembly*,

*Reaffirming* the Charter of the United Nations and its importance for the promotion and protection of all human rights and fundamental freedoms for all,

*Reaffirming also* previous resolutions and decisions on the right to food adopted within the framework of the United Nations,

*Recalling* the Universal Declaration of Human Rights,[1] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition,[2] the United Nations Millennium Declaration,[3] in particular Millennium Development Goal 1 on eradicating extreme poverty and hunger by 2015, and the 2030 Agenda for Sustainable Development,[4] in particular the Sustainable Development Goals on ending hunger, achieving food security and improved nutrition and promoting sustainable agriculture and on ending poverty in all its forms everywhere,

*Recalling also* the provisions of the International Covenant on Economic, Social and Cultural Rights,[5] in which the fundamental right of every person to be free from hunger is recognized,

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[1] Resolution 217 A (III).

[2] *Report of the World Food Conference, Rome, 5–16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[3] Resolution 55/2.

[4] Resolution 70/1.

[5] See resolution 2200 A (XXI), annex.

*Bearing in mind* the importance of the Rome Declaration on World Food Security, the World Food Summit Plan of Action and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[6]

*Reaffirming* the importance of the recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,[7] as well as the Rome Declaration on Nutrition and the Framework for Action, adopted in Rome on 21 November 2014,[8]

*Acknowledging* that the right to food has been recognized as the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate, nutritious food, in conformity with, inter alia, the culture, beliefs, traditions, dietary habits and preferences of individuals, that is produced and consumed sustainably, thereby preserving access to food for future generations,

*Reaffirming* the Five Rome Principles for Sustainable Global Food Security contained in the Declaration of the World Summit on Food Security, adopted in Rome on 16 November 2009,[9]

*Reaffirming also* that all human rights are universal, indivisible, interdependent and interrelated and that they must be treated globally, in a fair and equal manner, on the same footing and with the same emphasis,

*Reaffirming further* that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food and nutrition security and poverty eradication,

*Reiterating*, as set out in the Rome Declaration on World Food Security, the Declaration of the World Food Summit and the Rome Declaration on Nutrition, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter and that endanger food and nutrition security,

*Convinced* that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action, as well as in the Rome Declaration on Nutrition and the Framework for Action, and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food and nutrition security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

*Recognizing* that, despite the efforts made and the fact that some positive results have been achieved, the problems of hunger, food insecurity and malnutrition have a global dimension, that there has not been sufficient progress in reducing hunger and that these problems are increasing dramatically in some regions in the absence of urgent, determined and concerted action,

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[6] A/57/499, annex.

[7] E/CN.4/2005/131, annex.

[8] World Health Organization, document EB 136/8, annexes I and II.

[9] See Food and Agriculture Organization of the United Nations, document WSFS 2009/2.

*Recognizing also* the importance of traditional sustainable agricultural practices, including traditional seed supply systems, as well as access to credit and other financial services, markets, secure land tenure, health care, social services, education, training, knowledge and appropriate and affordable technologies, including efficient irrigation, the reuse of treated wastewater and water harvesting and storage for indigenous peoples and others living in rural areas,

*Recognizing further* the complex character of food insecurity and its likely recurrence owing to a combination of several major factors, such as the effects of the global financial and economic crisis, environmental degradation, desertification and the impacts of global climate change, as well as poverty, natural disasters, armed conflicts, drought, volatility in commodity prices and the lack in many countries of the appropriate technology, investment and capacity-building necessary to confront its impact, particularly in developing countries, the least developed countries and small island developing States, and the need for coherence and collaboration between international institutions at the global level,

*Noting with great concern* that millions of people are facing famine or the immediate risk of famine or are experiencing severe food insecurity in several regions of the world, and noting also that poverty, armed conflicts, drought and the volatility of commodity prices are among the factors causing or exacerbating famine and severe food insecurity and that additional efforts, including international support, to respond, prevent and prepare for increasing global food insecurity are urgently needed,

*Resolved* to act to ensure that the promotion, protection and fulfilment of all human rights and the human rights perspective are taken into account at the national, regional and international levels in measures to address the realization of the right to food,

*Stressing* the possible benefits of international trade to improve food and nutrition availability,

*Stressing also* that improving access to productive resources and investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, through, inter alia, the promotion of investments in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts and tackle water scarcity, as well as in programmes, practices and policies to scale up sustainable agroecological approaches,

*Expressing its deep concern* at the number and scale of natural disasters, diseases and pest infestations, as well as the negative impact of climate change, and their increasing impact in recent years, which have resulted in substantial loss of life and livelihood and threatened agricultural production and food and nutrition security, in particular in developing countries,

*Concerned* that climate variability and extremes are harming agricultural productivity, food production and cropping patterns, thus contributing to food availability shortfalls,

*Expressing its deep concern* over the negative effects of armed conflicts on the enjoyment of the right to food,

*Emphasizing* that a multisectoral approach that integrates nutrition across all sectors, including agriculture, health, water and sanitation, social protection and education, as well as a gender perspective, is critical to achieving global food and nutrition security and the realization of the right to food,

*Recalling* the endorsement of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food

Security[10] by the Committee on World Food Security at its thirty-eighth session, held on 11 May 2012, and by the Council of the Food and Agriculture Organization of the United Nations at its 144th session,

*Recalling also* the Principles for Responsible Investment in Agriculture and Food Systems,[11] which were endorsed by the Committee on World Food Security at its forty-first session, held from 13 to 18 October 2014,

*Stressing* the importance of the Second International Conference on Nutrition, hosted by the World Health Organization and the Food and Agriculture Organization of the United Nations in Rome from 19 to 21 November 2014, and of its outcome documents, the Rome Declaration on Nutrition and the Framework for Action,

*Stressing also* the need to increase official development assistance devoted to agriculture and nutrition, and recognizing that small and medium-sized farmers in developing countries need to receive technical, technology transfer and capacity-building support,

*Recognizing* the importance of the protection and preservation of agrobiodiversity in guaranteeing food security and nutrition and the right to food for all,

*Noting* the cultural values of dietary and eating habits in different cultures, and recognizing that food plays an important role in defining the identity of individuals and communities and is a cultural component that describes and gives value to a territory and its inhabitants,

*Recognizing* the role of the Food and Agriculture Organization of the United Nations as the key United Nations agency for rural and agricultural development and its work in supporting the efforts of Member States to achieve the full realization of the right to food, including through its provision of technical assistance to developing countries in support of the implementation of national priority frameworks,

*Recalling* the outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", and recalling the commitment therein to work together to promote sustained and inclusive economic growth, social development and environmental protection and thereby to benefit all, endorsed by the General Assembly in its resolution 66/288 of 27 July 2012,

*Recalling also* the Sendai Framework for Disaster Risk Reduction 2015–2030[12] and its guiding principles, which, inter alia, recognize the importance of promoting regular disaster preparedness and response and recovery exercises, with a view to ensuring rapid and effective response to disasters and related displacement, including access to essential food and non-food relief supplies, as appropriate to local needs, as well as of fostering collaboration across global and regional mechanisms and institutions for the implementation and coherence of instruments and tools relevant to disaster risk reduction, such as for climate change, biodiversity, sustainable development, poverty eradication, environment, agriculture, health, food and nutrition and others, as appropriate,

*Recalling further* the proclamation at its seventieth session of 2016–2025 as the United Nations Decade of Action on Nutrition, and stressing the opportunity the Decade represents to bring together initiatives and efforts to eradicate hunger and prevent all forms of malnutrition,

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[10] Food and Agriculture Organization of the United Nations, document CL 144/9 (C 2013/20), appendix D.

[11] Food and Agriculture Organization of the United Nations, document C 2015/20, appendix D.

[12] Resolution 69/283, annex II.

*Acknowledging* the work done by the High-level Task Force on Global Food and Nutrition Security established by the Secretary-General, and supporting the Secretary-General in his continuing efforts in this regard, including continued engagement with Member States and the Special Rapporteur of the Human Rights Council on the right to food,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain his or her physical and mental capacities;

3. *Considers it intolerable* that, as estimated by the United Nations Children's Fund, up to 45 per cent of the children who die every year before the age of 5 die from undernutrition and hunger-related illness and that, as estimated by the Food and Agriculture Organization of the United Nations, the number of people in the world affected by undernourishment, or chronic food deprivation, increased from around 804 million in 2016 to nearly 821 million in 2017;

4. *Expresses its concern* at the fact that the effects created by the world food crisis still continue to have serious consequences for the poorest and most vulnerable people, particularly in developing countries, which have been further aggravated by the impacts of the world financial and economic crisis, and at the particular effects of the crisis on many net food-importing countries, especially least developed countries;

5. *Expresses its deep concern* that, according to the report of the Food and Agriculture Organization of the United Nations entitled *The State of Food Security and Nutrition in the World 2018*, the number of hungry people in the world is unacceptably high, the vast majority of hungry people live in developing countries and the number of undernourished people in the world has been on the rise since 2014, reaching an estimated 821 million in 2017;

6. *Also expresses its deep concern* that, while women contribute more than 50 per cent of the food produced worldwide, they also account for 70 per cent of the world's hungry, that women and girls are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries girls are twice as likely as boys to die from malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

7. *Encourages* all States to mainstream a gender perspective in food security programmes and to take action to address de jure and de facto gender inequality and discrimination against women, in particular when they contribute to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and that women have equal access to resources, including income, land and water and their ownership and agricultural inputs, as well as full and equal access to health care, education, science and technology, to enable them to feed themselves and their families, and in this regard stresses the need to empower women and strengthen their role in decision-making;

8. *Encourages* the Special Rapporteur of the Human Rights Council on the right to food to continue to mainstream a gender perspective in the fulfilment of her mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity and malnutrition to continue to integrate a gender perspective into their relevant policies, programmes and activities;

9. *Reaffirms* the need to ensure that programmes delivering safe and nutritious food are inclusive of and accessible to persons with disabilities;

10. *Stresses* that the primary responsibility of States is to promote and protect the right to food and that the international community should provide, through a coordinated response and upon request, international cooperation in support of national and regional efforts by providing the assistance necessary to increase food production and access to food, including through agricultural development assistance, the transfer of technology, food crop rehabilitation assistance and food aid, ensuring food security, with special attention to the specific needs of women and girls, and promoting innovation, support for the development of adapted technologies, research on rural advisory services and support for access to financing services, and ensure support for the establishment of secure land tenure systems;

11. *Calls upon* all States and, if appropriate, relevant international organizations to take measures and support programmes that are aimed at combating undernutrition in mothers, in particular during pregnancy, and in children, and the irreversible effects of chronic undernutrition in early childhood, in particular from birth to the age of 2 years;

12. *Also calls upon* all States and, where appropriate, relevant international organizations to implement policies and programmes to reduce and eliminate preventable mortality and morbidity, as a result of malnutrition, of children under 5 years of age, and in this regard urges States to disseminate the technical guidance prepared by the Office of the United Nations High Commissioner for Human Rights, in collaboration with the World Health Organization,[13] and to apply it, as appropriate, in the design, implementation, evaluation and monitoring of laws, policies, programmes, budgets and mechanisms for remedy and redress aimed at eliminating preventable mortality and morbidity of children under 5 years of age;

13. *Encourages* all States to take steps, with a view to progressively achieving the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

14. *Recognizes* the advances made through South-South cooperation in developing countries and regions in connection with food security and the development of agricultural production for the full realization of the right to food;

15. *Stresses* that improving access to productive resources and public investment in rural development is essential for eradicating hunger and poverty, in particular in developing countries, including through the promotion of investment, including private investment, in appropriate small-scale irrigation and water management technologies in order to reduce vulnerability to droughts and to tackle water scarcity;

16. *Recognizes* the critical contribution made by the fisheries sector to the realization of the right to food and to food security and the contribution of small-scale fishers to the local food security of coastal communities;

17. *Also recognizes* that 70 per cent of hungry people live in rural areas, where nearly half a billion family farmers are located, and that these people are especially vulnerable to food insecurity, given the increasing cost of inputs and the fall in farm incomes; that access to land, water, seeds and other natural resources is an increasing challenge for poor producers; that sustainable and gender-sensitive agricultural

[13] A/HRC/27/31; see also Human Rights Council resolution 33/11 (see *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II).

policies are important tools for promoting land and agrarian reform, rural credit and insurance, technical assistance and other associated measures to achieve food security and rural development; and that support by States for small farmers, fishing communities and local enterprises, including through the facilitation of access for their products to national and international markets and empowerment of small producers, particularly women, in value chains, is a key element for food security and the provision of the right to food;

18. *Stresses* the importance of fighting hunger in rural areas, including through national efforts supported by international partnerships to stop desertification and land degradation and through investments and public policies that are specifically appropriate to the risk of drylands, and in this regard calls for the full implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa;[14]

19. *Urges* States that have not yet done so to favourably consider becoming parties to the Convention on Biological Diversity[15] and to consider becoming parties to the International Treaty on Plant Genetic Resources for Food and Agriculture[16] as a matter of priority;

20. *Recognizes* the important role of indigenous peoples and their traditional knowledge and seed supply systems, as well as the important role of new technologies, in the conservation of biodiversity and in aiming to ensure food security and improved nutrition;

21. *Recalls* the United Nations Declaration on the Rights of Indigenous Peoples,[17] acknowledges that many indigenous organizations and representatives of indigenous peoples have expressed in different forums their deep concerns over the obstacles and challenges they face in achieving the full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

22. *Also recalls* the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, held on 22 and 23 September 2014,[18] and the commitment to developing, in conjunction with the indigenous peoples concerned and where appropriate, policies, programmes and resources to support indigenous peoples' occupations, traditional subsistence activities, economies, livelihoods, food security and nutrition;

23. *Notes* the need to further examine various concepts, such as "food sovereignty", and their relation to food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times;

24. *Requests* all States and private actors, as well as international organizations, within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all;

25. *Recognizes* the need to strengthen national commitment, as well as international assistance, upon the request of and in cooperation with the affected countries, towards the full realization and protection of the right to food, and in particular to develop national protection mechanisms for people forced to leave their

[14] United Nations, *Treaty Series*, vol. 1954, No. 33480.
[15] Ibid., vol. 1760, No. 30619.
[16] Ibid., vol. 2400, No. 43345.
[17] Resolution 61/295, annex.
[18] Resolution 69/2.

homes and land because of hunger or humanitarian emergencies affecting their enjoyment of the right to food;

26. *Takes note with appreciation* of the growing movement, in different regions of the world, towards the adoption of framework laws, national strategies and measures in support of the full realization of the right to food for all;

27. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

28. *Calls for* a successful, development-oriented outcome of the trade negotiations of the World Trade Organization, in particular on the remaining issues of the Doha Development Round, as a contribution to the creation of international conditions permitting the full realization of the right to food;

29. *Stresses* that all States should make all efforts to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries;

30. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty, as well as non-communicable diseases;

31. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, while recognizing the efforts of Member States in this regard, and once again invites all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the funding necessary to realize the right to food, as set out in the Rome Declaration on World Food Security, and to achieve the aims of Goal 2 of the 2030 Agenda for Sustainable Development[4] and other food and nutrition-related targets;

32. *Reaffirms* that integrating food and nutritional support, with the goal that all people at all times will have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life, is part of a comprehensive effort to improve public health, alongside the response to the spread of HIV/AIDS, tuberculosis, malaria and other communicable diseases;

33. *Urges* States to give priority in their development strategies and expenditures to the realization of the right to food;

34. *Stresses* the importance of international cooperation and development assistance as an effective contribution to the expansion and improvement of agriculture and its environmental sustainability, food production, breeding projects on diversity of crops and livestock and institutional innovations such as community seed banks, farmer field schools and seed fairs, and to the provision of humanitarian food assistance in activities related to emergency situations for the realization of the right to food and the achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

35. *Also stresses* that States parties to the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights should consider implementing that agreement in a manner that is supportive of food security, while being mindful of the obligation of Member States to promote and protect the right to food;

36. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across different regions, and expresses its deep concern that funding shortfalls are forcing the World Food Programme to cut operations across different regions, including Southern Africa;

37. *Calls upon* States to heed the urgent United Nations humanitarian appeal to assist countries facing drought, starvation and famine with emergency aid and urgent funding;

38. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to continue to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on its realization;

39. *Takes note with appreciation* of the interim report of the Special Rapporteur,[19] which addresses the rights of agricultural workers on a global scale, with particular attention to the dangerous working conditions inherent in the agricultural sector, which not only threaten the lives of agricultural workers but also undermine their right to food;

40. *Recognizes* the importance of giving due consideration to the adverse impact of climate change and to the full realization of the right to food, takes note of the Paris Agreement, adopted at the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Paris from 30 November to 13 December 2015,[20] and welcomes the holding of the twenty-second session of the Conference of the Parties in Marrakech, Morocco, from 7 to 18 November 2016;

41. *Also recognizes* the impact of climate change and of the El Niño phenomenon on agricultural production and food security around the world and the importance of designing and implementing actions to reduce its effects, in particular on vulnerable populations, such as rural women, bearing in mind the role that they play in supporting their households and communities in achieving food and nutrition security, generating income and improving rural livelihoods and overall well-being;

42. *Reiterates its support* for the realization of the mandate of the Special Rapporteur, and requests the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide all the human and financial resources necessary for its effective fulfilment;

43. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights),[21] in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person, indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights and inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

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[19] A/73/164.

[20] FCCC/CP/2015/10/Add.1, decision 1/CP.21, annex.

[21] See *Official Records of the Economic and Social Council, 2000, Supplement No. 2* and corrigendum (E/2000/22 and E/2000/22/Corr.1), annex V.

44. *Recalls* general comment No. 15 (2002) of the Committee on Economic, Social and Cultural Rights on the right to water (articles 11 and 12 of the Covenant),[22] in which the Committee noted, inter alia, the importance of ensuring sustainable access to water resources for human consumption and agriculture in realization of the right to adequate food;

45. *Reaffirms* that the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,[7] represent a useful tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide an additional instrument in the attainment of internationally agreed development goals and to support national Governments in the implementation of food security and nutrition policies, programmes and legal frameworks;

46. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in her task, to supply all necessary information requested by her and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable her to fulfil her mandate more effectively;

47. *Requests* the Special Rapporteur to submit to the General Assembly at its seventy-fourth session an interim report on the implementation of the present resolution and to continue her work, including by examining the emerging issues with regard to the realization of the right to food that are within her mandate;

48. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies, civil society actors and non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of her mandate through, inter alia, the submission of comments and suggestions on ways and means of realizing the right to food;

49. *Decides* to continue the consideration of the question at its seventy-fourth session under the item entitled "Promotion and protection of human rights".

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[22] Ibid., *2003, Supplement No. 2* (E/2003/22), annex IV.

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**Seventy-third session**
**Third Committee**
Agenda item 73
**Right of peoples to self-determination**

**Algeria, Belarus, Bolivia (Plurinational State of), China, Cuba, Democratic People's Republic of Korea, Ecuador, Eritrea, Lesotho, Myanmar, Nicaragua and Venezuela (Bolivarian Republic of): draft resolution**

# Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

*The General Assembly*,

*Recalling* all of its previous resolutions on the subject, including resolution 72/158 of 19 December 2017, and Human Rights Council resolutions 15/12 of 30 September 2010,[1] 15/26 of 1 October 2010,[2] 18/4 of 29 September 2011,[3] 21/8 of 27 September 2012,[4] 24/13 of 26 September 2013,[5] 27/10 of 25 September 2014,[6] 30/6 of 1 October 2015,[7] 33/4 of 29 September 2016,[8] 36/3 of 28 September 2017[9] and 39/5 of 27 September 2018,[10] as well as all resolutions adopted by the Commission on Human Rights in this regard,

*Recalling also* all of its relevant resolutions, in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant

[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.
[2] Ibid., chap. I.
[3] Ibid., *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and A/66/53/Add.1/Corr.1), chap. II.
[4] Ibid., *Sixty-seventh Session, Supplement No. 53A* (A/67/53/Add.1), chap. III.
[5] Ibid., *Sixty-eighth Session, Supplement No. 53A* (A/68/53/Add.1), chap. III.
[6] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1, A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.
[7] Ibid., *Seventieth Session, Supplement No. 53A* (A/70/53/Add.1), chap. III.
[8] Ibid., *Seventy-first Session, Supplement No. 52A* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.
[9] Ibid., *Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. II.
[10] Ibid., *Seventy-third Session, Supplement No. 53A* (A/73/53/Add.1), chap. III.

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resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[11] as well as by the African Union,

*Reaffirming* the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

*Reaffirming also* that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect this right in accordance with the provisions of the Charter,

*Deeply concerned* at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

*Reaffirming* the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[12]

*Acknowledging with appreciation* the work and contributions of the open-ended intergovernmental working group established by the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies,

*Alarmed and concerned* at the danger that the activities of mercenaries constitute to peace and security in developing countries in various parts of the world, in particular in areas of armed conflict, and about the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

*Deeply concerned* at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

*Convinced* that, notwithstanding the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire some semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note with appreciation* of the latest report of the Working Group of the Human Rights Council on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination;[13]

2. *Reaffirms* that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and that they violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries on the global market;

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[11] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[12] Resolution 2625 (XXV), annex.

[13] A/73/326.

4. *Urges*, once again, all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control are not used for, and that their nationals do not take part in, the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in accordance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, and to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Encourages* States that import military assistance or consultancy and security services provided by private companies to establish national regulatory mechanisms for registering and licensing those companies in order to ensure that the imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes its utmost concern* about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet done so to consider acceding to or ratifying the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[14]

9. *Welcomes* the cooperation extended by those countries that have received a visit by the Working Group on the use of mercenaries since the establishment of its mandate and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group on the use of mercenaries of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

[14] United Nations, *Treaty Series*, vol. 2163, No. 37789.

14. *Requests* the Working Group on the use of mercenaries and other experts to continue their participation, including by submitting contributions, in other subsidiary bodies of the Human Rights Council considering issues related to the use of mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies;

15. *Requests* the Working Group on the use of mercenaries to continue the work carried out by the previous mandate holders with respect to the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session[15] and the evolving phenomenon of mercenaries and its related forms;

16. *Also requests* the Working Group on the use of mercenaries to continue to study and identify sources and causes, emerging issues, manifestations and trends regarding mercenaries or mercenary-related activities and private military and security companies and their impact on human rights, particularly on the right of peoples to self-determination;

17. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

18. *Recommends* that all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military and security company, contribute to the work of the open-ended intergovernmental working group, taking into account the initial work done by the Working Group on the use of mercenaries;

19. *Urges* all States to cooperate fully with the Working Group on the use of mercenaries in the fulfilment of its mandate;

20. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Working Group on the use of mercenaries with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

21. *Requests* the Working Group on the use of mercenaries to consult States and intergovernmental and non-governmental organizations on the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its seventy-fourth session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

22. *Decides* to consider the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination at its seventy-fourth session under the item entitled "Right of peoples to self-determination".

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[15] See E/CN.4/2004/15, para. 47.

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**Seventy-third session**

**Third Committee**

Agenda item 74 (a)

**Promotion and protection of human rights: implementation of human rights instruments**

**Australia, Austria, Belgium, Canada, Costa Rica, Cyprus, Denmark, Estonia, Finland, Georgia, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Netherlands, Norway, Slovenia, Sweden and Switzerland: draft resolution**

## Human rights treaty body system

*The General Assembly*,

*Recalling* the International Covenant on Civil and Political Rights, [1] the International Covenant on Economic, Social and Cultural Rights, [1] the Convention on the Rights of Persons with Disabilities, [2] the International Convention for the Protection of All Persons from Enforced Disappearance, [3] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, [4] the Convention on the Elimination of All Forms of Discrimination against Women, [5] the Convention on the Rights of the Child, [6] the International Convention on the Elimination of All Forms of Racial Discrimination, [7] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [8] and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [9]

*Recalling also* Economic and Social Council resolution 1985/17 of 28 May 1985,

*Recalling further* its resolution 68/268 of 9 April 2014 on strengthening and enhancing the effective functioning of the human rights treaty body system,

[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 2515, No. 44910.
[3] Ibid., vol. 2716, No. 48088.
[4] Ibid., vol. 2220, No. 39481.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.
[7] Ibid., vol. 660, No. 9464.
[8] Ibid., vol. 1465, No. 24841.
[9] Ibid., vol. 2375, No. 24841.

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*Recalling* its resolution 71/185 of 19 December 2016 on the human rights treaty body system,

*Reaffirming* that the full and effective implementation of international human rights instruments by States parties is of major importance to the efforts of the United Nations to promote universal respect for and observance of human rights and fundamental freedoms, and that the effective functioning of the human rights treaty body system is indispensable for the full and effective implementation of such instruments,

*Recognizing* the important, valuable and unique role and contribution of each of the human rights treaty bodies in the promotion and protection of human rights and fundamental freedoms, including through their examination of the progress made by States parties to the respective human rights treaties in fulfilling their relevant obligations and their provision of recommendations to States parties on the implementation of such treaties,

1. *Takes note* of the report of the Secretary-General on the status of the human rights treaty body system;[10]

2. *Welcomes* the annual reports of the human rights treaty bodies submitted to the General Assembly at its seventy-second and seventy-third sessions and to the Economic and Social Council at its 2017 and 2018 sessions;

3. *Invites* the Chairs of the human rights treaty bodies to address and engage in an interactive dialogue with the General Assembly at its seventy-fourth and seventy-fifth sessions under the item relevant to the work of the treaty body;

4. *Encourages* all stakeholders to continue their efforts for the full implementation of resolution 68/268;

5. *Reaffirms* paragraphs 27 and 28 of its resolution 68/268, in which it decided that amendments to the resourcing of the system would be made at the request of the Secretary-General in line with established budgetary procedures and as a part of his future programme budget for the human rights treaty body system;

6. *Recalls* paragraph 22 of its resolution 68/268, in which it decided, in principle, with the aim of enhancing the accessibility and visibility of the human rights treaty bodies, to webcast, as soon as feasible, the public meetings of the treaty bodies, and decides in this regard to provide, as of 2020, in all the official languages used in the respective committees, live webcasts and video archives of relevant meetings of the treaty bodies that are available, accessible, searchable and secure, including from cyberattacks;

7. *Expresses appreciation* for the organization of discussions on matters related to the implementation of each human rights treaty at meetings of the States parties thereto, and requests the Secretary-General to continue to support such practices;

8. *Also expresses appreciation* for the opportunity to interact with the Chairs of the treaty bodies during their annual meetings, and requests the Secretary-General to continue to support such opportunities;

9. *Further expresses appreciation* for the advisory services, capacity-building and technical assistance provided by the Secretary-General to support States parties in building their capacity to implement their treaty obligations, and requests the Secretary-General to continue his efforts in this regard;

[10] A/73/309.

10. *Reiterates* its request, in paragraph 40 of its resolution 68/268, that the Secretary-General submit to it a comprehensive report on the status of the human rights treaty body system, and, in view of the decision, in paragraph 41 of that resolution, to consider the state of the human rights treaty body system no later than 2020, requests the Secretary-General to submit that report in January 2020, in advance of the review of the human rights treaty body system.

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**Seventy-third session**

**Third Committee**

Agenda item 74 (b)

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Australia, Austria, Belgium, Brazil, Chile, Costa Rica, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, Norway, Paraguay, Poland, Portugal, Romania, Slovenia, Spain, Sweden, Switzerland and Ukraine: draft resolution**

## Extrajudicial, summary or arbitrary executions

*The General Assembly*,

*Recalling* the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, the relevant provisions of the International Covenant on Civil and Political Rights[2] and other relevant human rights conventions,

*Reaffirming* the mandate of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions, as set out in Council resolution 35/15 of 22 June 2017,[3]

*Welcoming* the universal ratification of the Geneva Conventions of 12 August 1949,[4] which, alongside international human rights law, provide important legal frameworks of accountability in relation to extrajudicial, summary or arbitrary executions during armed conflict,

*Recalling* all its resolutions on the subject of extrajudicial, summary or arbitrary executions as well as the resolutions of the Commission on Human Rights and the Human Rights Council on the subject, and emphasizing the importance of their full and effective implementation,

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. V, sect. A.

[4] United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

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*Recognizing* the positive role that regional human rights systems can play in the global protection against arbitrary deprivation of life,

*Acknowledging* the importance of the 2030 Agenda for Sustainable Development[5] and its implementation for the promotion and protection of the enjoyment by all persons of human rights, gender equality, access to justice for all and effective, accountable and inclusive institutions at all levels,

*Noting with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions, especially with regard to the gender-related killing of women and girls, also known as femicide,

*Noting* that enforced disappearances can end up in extrajudicial, summary or arbitrary executions, recalling the importance in this regard of the International Convention for the Protection of All Persons from Enforced Disappearance,[6] and calling upon all States which have not yet done so to consider signing and ratifying or acceding to the Convention,

*Acknowledging* that international human rights law and international humanitarian law are complementary and mutually reinforcing,

*Noting with deep concern* the growing number of civilians and persons hors de combat killed in situations of armed conflict and internal strife, and that women and girls are disproportionately affected by conflict, as recognized in Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security and subsequent resolutions on the matter,

*Noting with deep concern also* the continuing instances of the arbitrary deprivation of life, resulting from, inter alia, the imposition and implementation of capital punishment when carried out in a manner that violates international law,

*Recalling* the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[7] and the adoption of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),[8]

*Deeply concerned* about acts that can amount to extrajudicial, summary or arbitrary executions committed against persons exercising their rights to peaceful assembly and freedom of expression in all regions of the world,

*Deeply concerned also* about killings committed by non-State actors, including terrorist groups and criminal organizations, which may amount to abuses of international human rights law and violations of international humanitarian law, and in this context noting the need to strengthen accountability,

*Acknowledging* that extrajudicial, summary or arbitrary executions may under certain circumstances amount to genocide, crimes against humanity or war crimes, as defined in international law, including in the Rome Statute of the International Criminal Court,[9] and recalling in this regard that each individual State has the responsibility to protect its populations from such crimes, as set out by the General Assembly in its resolutions 60/1 of 16 September 2005 and 63/308 of 14 September 2009,

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[5] Resolution 70/1.

[6] United Nations, *Treaty Series*, vol. 2716, No. 48088.

[7] Resolution 65/229, annex.

[8] Resolution 70/175, annex.

[9] United Nations, *Treaty Series*, vol. 2187, No. 38544.

*Convinced* of the need for effective action to prevent, combat and eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent flagrant violations of international human rights law, particularly the right to life, as well as of international humanitarian law,

1. *Reiterates its strong condemnation* of all the extrajudicial, summary or arbitrary executions that continue to occur throughout the world;

2. *Demands* that all States ensure that the practice of extrajudicial, summary or arbitrary executions is brought to an end and that they take effective action to prevent, combat and eliminate the phenomenon in all its forms and manifestations;

3. *Reiterates* that all States must conduct prompt, exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, identify and bring to justice those responsible, while ensuring the right of every person to a fair hearing by a competent, independent and impartial tribunal established by law, grant adequate compensation within a reasonable time to the victims or their families and adopt all measures, including legal and judicial measures, also bearing in mind gender equality in access to justice, necessary to put an end to impunity, particularly with regard to the gender-related killing of women and girls, also known as femicide, and extrajudicial, summary or arbitrary executions of refugees and migrants and humanitarian workers, and prevent the further occurrence of such executions, as recommended in the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions,[10] fully consistent with their obligations under international law;

4. *Calls upon* Governments, and invites intergovernmental and non-governmental organizations, to pay greater attention to the work of national-level commissions of inquiry into extrajudicial, summary or arbitrary executions, with a view to ensuring the effective contribution of these commissions to accountability and to combating impunity;

5. *Calls upon* all States, in order to prevent extrajudicial, summary or arbitrary executions, to comply with their obligations under the relevant provisions of international human rights instruments, and also calls upon States which retain the death penalty to pay particular regard to the provisions contained in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights[2] and articles 37 and 40 of the Convention on the Rights of the Child,[11] bearing in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 of 25 May 1984 and 1989/64 of 24 May 1989 and taking into account the recommendations of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions in his reports to the Council and the General Assembly, including the report submitted to the Assembly at its sixty-seventh session,[12] regarding the need to respect all safeguards and restrictions, including limitation to the most serious crimes, stringent respect of due process and fair trial safeguards and the right to seek pardon or commutation of sentence;

6. *Emphasizes* that States are required to adopt such laws or other measures as may be necessary to give effect to the right to life and that everyone has the right to recognition everywhere as a person before the law;

7. *Urges* all States:

(a) To take all measures required by international human rights law and international humanitarian law to prevent loss of life, in particular that of children,

[10] Economic and Social Council resolution 1989/65, annex.

[11] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[12] A/67/275.

during detention, arrest, public demonstrations, internal and communal violence, civil unrest, public emergencies or armed conflicts and to ensure that the police, law enforcement agents, armed forces and other agents acting on behalf of or with the consent or acquiescence of the State, including private security providers, act with restraint and in conformity with international human rights law and international humanitarian law, including the principles of proportionality and necessity, and in this regard to ensure that police and law enforcement officials are guided by the Code of Conduct for Law Enforcement Officials[13] and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;[14]

(b) To ensure the effective protection of the right to life of all persons, to conduct, when required by obligations under international law, prompt, exhaustive and impartial investigations into all killings, including those targeted at specific groups of persons, such as racially motivated violence leading to the death of the victim, killings of persons belonging to national or ethnic, religious and linguistic minorities or because of their sexual orientation or gender identity, killings of persons affected by terrorism or hostage-taking or living under foreign occupation, killings of refugees, internally displaced persons, migrants, street children or members of indigenous communities, killings of persons for reasons related to their activities as human rights defenders, lawyers, journalists or demonstrators, killings committed in the name of passion or in the name of honour and killings committed for discriminatory reasons on any basis, to bring those responsible to justice before a competent, independent and impartial judiciary at the national or, where appropriate, international level and to ensure that such killings, including those committed by security forces, police and law enforcement agents, paramilitary groups or private forces, are neither condoned nor sanctioned by State officials or personnel;

8. *Affirms* the obligation of States, in order to prevent extrajudicial, summary or arbitrary executions, to protect the lives of all persons deprived of their liberty in all circumstances and to investigate and respond to deaths in custody;

9. *Encourages* States, taking into account the relevant recommendations of the United Nations and of regional human rights systems, to review, where necessary, their domestic laws and practices with regard to the use of force in law enforcement in order to ensure that these laws and practices are in conformity with their international obligations and commitments;

10. *Also encourages* States to make appropriate protective equipment and less lethal weapons available to their officials exercising law enforcement duties, in order to decrease their need to use weapons of any kind, while pursuing efforts to regulate and establish protocols for the training and use of less lethal weapons, bearing in mind that even less lethal weapons can result in risk to life;

11. *Further encourages* States to accelerate the work on fulfilling the 2030 Agenda for Sustainable Development,[5] bearing in mind the importance of the full enjoyment of human rights and access to justice for all and effective, accountable and inclusive institutions at all levels, as well as the systematic mainstreaming of a gender perspective;

12. *Urges* all States to ensure that all persons deprived of their liberty are treated humanely and with full respect for international law and that their treatment, including judicial guarantees and conditions, conforms to, as appropriate, the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela

[13] Resolution 34/169, annex.

[14] See *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.

Rules),[8] as well as the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)[7] and, where applicable, the Geneva Conventions of 12 August 1949[4] and the Additional Protocols thereto of 8 June 1977,[15] as well as other pertinent international instruments;

13. *Welcomes* the International Criminal Court as an important contribution to ending impunity concerning extrajudicial, summary or arbitrary executions, and, noting the growing awareness of the Court worldwide, as highlighted during the twentieth anniversary of the adoption of the Rome Statute of the Court,[9] calls upon those States that are under an obligation to cooperate with the Court to provide such cooperation and assistance in the future, in particular with regard to arrest and surrender, the provision of evidence, the protection and relocation of victims and witnesses and the enforcement of sentences, also welcomes the fact that 123 States have ratified or acceded to and 138 States have signed the Rome Statute, and calls upon all those States that have not ratified or acceded to the Rome Statute and the Agreement on the Privileges and Immunities of the International Criminal Court[16] to give serious consideration to doing so;

14. *Acknowledges* the importance of ensuring the protection of witnesses for the prosecution of those suspected of extrajudicial, summary or arbitrary executions, urges States to intensify efforts to establish and implement effective witness protection programmes or other measures, and in this regard encourages the Office of the United Nations High Commissioner for Human Rights to develop practical tools, including gender-sensitive tools, designed to encourage and facilitate greater attention to the protection of witnesses;

15. *Encourages* Governments and intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials, as well as private personnel acting on behalf of the State, in international humanitarian and human rights law connected with their work, to include a gender and child rights perspective in such training and to require, where appropriate, that all private security providers have vetting and training procedures in place, including mandatory appropriate weapons training, that include human rights norms and principles, and appeals to the international community and requests the Office of the High Commissioner to support endeavours to that end;

16. *Takes note with appreciation* of the reports of the Special Rapporteur to the General Assembly[17] and the Human Rights Council, and invites States to take due consideration of the recommendations contained therein;

17. *Commends* the important role that the Special Rapporteur plays towards the elimination of extrajudicial, summary or arbitrary executions, and encourages the Special Rapporteur to continue, within his or her mandate, to collect information, including data disaggregated by sex, from all concerned, to respond effectively to reliable information that comes before him or her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in his or her reports;

18. *Acknowledges* the important role of the Special Rapporteur in identifying cases where extrajudicial, summary or arbitrary executions could amount to genocide and crimes against humanity or war crimes, and urges the Special Rapporteur to collaborate with the United Nations High Commissioner for Human Rights and, as appropriate, the Special Adviser to the Secretary-General on the Prevention of

[15] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.
[16] Ibid., vol. 2271, No. 40446.
[17] See A/72/335 and A/73/314.

Genocide in addressing situations of extrajudicial, summary or arbitrary executions that are of particularly serious concern or in which early action might prevent further deterioration;

19. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights, and encourages the Special Rapporteur to continue his or her efforts in that regard;

20. *Urges* all States, in particular those that have not done so, to cooperate with the Special Rapporteur so that his or her mandate can be carried out effectively, including by favourably and rapidly responding to requests for visits, mindful that country visits are one of the essential tools for the fulfilment of his or her mandate, and by responding in a timely manner to communications and other requests transmitted to them by the Special Rapporteur;

21. *Expresses its appreciation* to those States that have received the Special Rapporteur, asks them to examine his recommendations carefully, invites them to inform the Special Rapporteur of the actions taken on those recommendations, and requests other States to cooperate in a similar way;

22. *Once again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

23. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources to enable him or her to carry out his or her mandate effectively, including through country visits;

24. *Also requests* the Secretary-General to continue, in close collaboration with the High Commissioner and in conformity with the mandate of the High Commissioner, established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in international humanitarian and human rights law, including in provisions related to gender equality, form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

25. *Welcomes* the proposed introduction of casualty-recording mechanisms in the human rights components of United Nations peace operations and other human rights missions, as appropriate, with the support of all interested United Nations entities;

26. *Requests* the Special Rapporteur to submit to the General Assembly, at its seventy-fourth and seventy-fifth sessions, a report on the situation worldwide with regard to extrajudicial, summary or arbitrary executions and his or her recommendations for more effective action to combat this phenomenon;

27. *Decides* to continue its consideration of the question at its seventy-fifth session.

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**Seventy-third session**
**Third Committee**
Agenda item 74 (c)
**Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

**Albania, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Montenegro, Netherlands, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine and United Kingdom of Great Britain and Northern Ireland: draft resolution**

## Situation of human rights in the Democratic People's Republic of Korea

*The General Assembly*,

*Reaffirming* that all States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

*Recalling* all previous resolutions adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea, including Assembly resolution 72/188 of 19 December 2017 and Council resolution 37/28 of 23 March 2018,[1] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

*Deeply concerned* at the grave human rights situation, the pervasive culture of impunity and the lack of accountability for human rights violations in the Democratic People's Republic of Korea,

*Stressing* the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People's

[1] See *Official Records of the General Assembly, Seventy-third Session, Supplement No. 53* (A/73/53), chap. IV, sect. A.



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Republic of Korea,[2] and expressing grave concern at the detailed findings contained therein,

*Welcoming* the decision of the Security Council to add the situation in the Democratic People's Republic of Korea to the list of issues of which the Council is seized and the holding of an open meeting of the Council on 11 December 2017, subsequent to the ones held in 2014, 2015 and 2016, during which the situation of human rights in the Democratic People's Republic of Korea was discussed,

*Recalling* the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and recalling also that the commission of inquiry urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators are prosecuted and brought to justice,

*Taking note* of the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea,[3] regretting that he still has not been allowed to visit the country and that he has received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea[4] submitted in accordance with resolution 72/188,

*Mindful* that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[5] the International Covenant on Economic, Social and Cultural Rights,[5] the Convention on the Rights of the Child,[6] the Convention on the Elimination of All Forms of Discrimination against Women[7] and the Convention on the Rights of Persons with Disabilities,[8] and recalling the concluding observations of the treaty bodies under the treaties and the importance of giving them consideration,

*Recalling* the submission, in April 2016, by the Democratic People's Republic of Korea of its combined second, third and fourth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women[9] and of its combined fifth and sixth periodic reports on the implementation of the Convention on the Rights of the Child[10] and the subsequent reviews in 2017 by the relevant committees, and urging full implementation of these Conventions, including the recommendations contained in the concluding observations from the aforementioned reviews,

*Noting* the visit of the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities to the Democratic People's Republic of Korea in 2017, encouraging the Democratic People's Republic of Korea to implement all of the recommendations contained in the report of the Special Rapporteur on her visit to the Democratic People's Republic of Korea submitted to the Human Rights Council at its thirty-seventh session,[11] and noting the participation of the Democratic People's

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[2] A/HRC/25/63.
[3] A/73/386.
[4] A/73/308.
[5] See resolution 2200 A (XXI), annex.
[6] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[7] Ibid., vol. 1249, No. 20378.
[8] Ibid., vol. 2515, No. 44910.
[9] CEDAW/C/PRK/2-4.
[10] CRC/C/PRK/5.
[11] A/HRC/37/56/Add.1.

Republic of Korea in the Paralympic Winter Games held in Pyeongchang, Republic of Korea,

*Stressing* the importance of extending its cooperation also to other United Nations special procedures and human rights mechanisms, including the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in accordance with their terms of reference,

*Acknowledging* the participation of the Democratic People's Republic of Korea in the second universal periodic review process, noting the acceptance by the Government of the Democratic People's Republic of Korea of 113 out of the 268 recommendations contained in the outcome of the review [12] and its stated commitment to implement them and look into the possibility of implementing a further 58 recommendations, while expressing its concern that the recommendations have not been implemented thus far,

*Noting* the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country,

*Noting also* the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund to improve the nutritional status of children and the quality of children's education,

*Noting further* the activities undertaken by the United Nations Development Programme, on a modest scale, in the Democratic People's Republic of Korea, and encouraging the engagement of the Government of the Democratic People's Republic of Korea with the international community to ensure that the programmes benefit the persons in need of assistance,

*Noting* the cooperation between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations on food security assessments, underscoring the importance of those assessments in analysing changes in the national, household and individual food security and nutritional situation and thereby in supporting donor confidence in the targeting of aid programmes, noting also the letter of understanding signed by the Government and the World Food Programme and the importance of further improvements in operating conditions, bringing access and monitoring arrangements closer to international standards for all United Nations entities, and noting with appreciation the work of international aid operators,

*Taking note* of the United Nations humanitarian report entitled "Democratic People's Republic of Korea 2018: needs and priorities" and its call to address the critical humanitarian needs in the Democratic People's Republic of Korea,

*Taking note also* of the strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017–2021 and the Government's commitment in accordance with the principles, goals and targets of the Sustainable Development Goals [13] and in line with its commitments to international agreements and conventions,

*Noting with concern* the findings of the United Nations that over 10 million people in the Democratic People's Republic of Korea are estimated to be undernourished and that most children under 24 months of age and 50 per cent of pregnant and breastfeeding women have insufficient dietary diversity, leading to

[12] A/HRC/27/10.

[13] See resolution 70/1.

micronutrient deficiencies and an unacceptably high prevalence of chronic and acute malnutrition, condemning the Democratic People's Republic of Korea for diverting its resources into pursuing nuclear weapons and ballistic missiles over the welfare of its people, and emphasizing the necessity for the Democratic People's Republic of Korea to respect and ensure the welfare and inherent dignity of the people in the country, as referred to by the Security Council in its resolutions 2321 (2016) of 30 November 2016, 2371 (2017) of 5 August 2017, 2375 (2017) of 11 September 2017 and 2397 (2017) of 22 December 2017,

*Noting* the urgency and importance of the issue of international abductions and of the immediate return of all abductees, as well as the long years of suffering experienced by abductees and their families, expressing grave concern at the lack of positive action by the Democratic People's Republic of Korea since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People's Republic of Korea and Japan in May 2014, and expecting the resolution of all issues related to the Japanese nationals, in particular the return of all abductees, to be achieved at the earliest possible date,

*Noting also* the urgency and importance of the issue of separated families, and in this regard welcoming the resumption of the reunions of separated families across the border in August 2018 and the commitments made on this issue at the inter-Korean Summit held on 19 September 2018 to strengthen humanitarian cooperation to fundamentally resolve the issue of separated families,

*Welcoming and further encouraging* the efforts of Member States to raise international awareness about the human rights situation in the Democratic People's Republic of Korea, and noting that human rights, including gender equality, are intrinsically linked to peace and security,

*Welcoming* the ongoing diplomatic efforts, and noting the importance of dialogue and engagement for the improvement of the human rights and humanitarian situation in the country,

*Underlining* the efforts of the Secretary-General to contribute to improving inter-Korean relations and promoting reconciliation and stability on the Korean Peninsula and the well-being of the Korean people,

1. *Condemns* the long-standing and ongoing systematic, widespread and gross violations of human rights in and by the Democratic People's Republic of Korea, including those which the commission of inquiry on human rights in the Democratic People's Republic of Korea, established by the Human Rights Council in its resolution 22/13 of 21 March 2013,[14] has said may amount to crimes against humanity, and the continuing impunity for such violations;

2. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of violations of human rights, including the detailed findings made by the commission of inquiry in its report,[2] such as:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention; rape; public executions; extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; extrajudicial, summary and arbitrary executions; the imposition of the death penalty for

[14] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

political and religious reasons; collective punishments extending up to three generations; and the extensive use of forced labour;

(ii) The existence of an extensive system of political prison camps, where a vast number of persons are deprived of their liberty and subjected to deplorable conditions, including forced labour, and where alarming violations of human rights are perpetrated;

(iii) The forcible transfer of populations and the limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iv) The situation of refugees and asylum seekers expelled or returned to the Democratic People's Republic of Korea and retaliations against citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, other cruel, inhuman or degrading treatment, sexual violence or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[15] and the 1967 Protocol thereto[16] in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(v) All-pervasive and severe restrictions, both online and offline, on the freedoms of thought, conscience, religion or belief, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the unlawful and arbitrary surveillance, persecution, torture, imprisonment and, in some instances, summary executions of individuals exercising their freedom of opinion and expression, religion or belief, and their families, and the right of everyone, including women, to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(vi) Violations of economic, social and cultural rights, which have led to food insecurity, severe hunger, malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for women, children, persons with disabilities, older persons and political prisoners;

(vii) Violations of the human rights and fundamental freedoms of women and girls, in particular the creation of internal conditions that force women and girls to leave the country and make them extremely vulnerable to trafficking in persons for the purpose of prostitution, domestic servitude or forced marriage and the subjection of women and girls to gender-based discrimination, including in the political and social spheres, forced abortions and other forms of sexual and gender-based violence;

(viii) Violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children,

[15] United Nations, *Treaty Series*, vol. 189, No. 2545.

[16] Ibid., vol. 606, No. 8791.

children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

(ix) Violations of the human rights and fundamental freedoms of persons with disabilities, especially violations involving the use of collective camps and coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and allegations of the possible use of persons with disabilities in medical testing, forced relocation to rural areas and separation of children with disabilities from their parents;

(x) Violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[5] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child,[6] as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour, recalls paragraph 11 of Security Council resolution 2371 (2017) and paragraph 17 of resolution 2375 (2017), in which the Council decided that Member States shall not provide work authorizations for nationals of the Democratic People's Republic of Korea in their jurisdictions, and also recalls paragraph 8 of Council resolution 2397 (2017), in which the Council decided that Member States shall repatriate to the Democratic People's Republic of Korea all nationals from the Democratic People's Republic of Korea earning income in that Member State's jurisdiction and all government safety oversight attachés of the Democratic People's Republic of Korea monitoring workers from the Democratic People's Republic of Korea abroad immediately, but not later than 24 months from 22 December 2017, unless the Member State determines that a Democratic People's Republic of Korea national is a national of that Member State or a Democratic People's Republic of Korea national's repatriation is prohibited, subject to applicable national and international law, including international refugee law and international human rights law, the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations[17] and the Convention on the Privileges and Immunities of the United Nations,[18] and urges the Democratic People's Republic of Korea to promote, respect and protect the human rights of workers, including workers repatriated to the Democratic People's Republic of Korea;

(xi) Discrimination based on the *songbun* system, which classifies people on the basis of State-assigned social class and birth and also includes consideration of political opinions and religion;

(xii) Violence and discrimination against women, including unequal access to employment, and discriminatory laws and regulations;

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to extend an invitation to the Special Rapporteur of the Human Rights Council on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to the Special Rapporteur and several other United

[17] See resolution 169 (II).

[18] Resolution 22 A (I).

Nations special procedures in accordance with their terms of reference, as well as to other United Nations human rights mechanisms;

(c) The continued lack of acknowledgement by the Government of the Democratic People's Republic of Korea of the grave human rights situation in the country and its consequential lack of action to report on the state of implementation of the recommendations contained in the outcome of its first universal periodic review[19] and to give consideration to the concluding observations of the treaty bodies;

3. *Condemns* the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these issues of international concern, in a transparent manner, including by ensuring the immediate return of abductees;

4. *Underscores its very serious concern* regarding reports of torture, summary executions, arbitrary detention, abductions and other forms of human rights violations and abuses that the Democratic People's Republic of Korea commits against citizens of other countries within and outside of its territory;

5. *Expresses its very deep concern* at the precarious humanitarian situation in the country, which could rapidly deteriorate owing to limited resilience to natural disasters and to government policies causing limitations in the availability of and access to adequate food, compounded by structural weaknesses in agricultural production resulting in significant shortages of diversified food and the State restrictions on the cultivation of and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among the most vulnerable groups, pregnant and lactating women, children, persons with disabilities, older persons and political prisoners, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

6. *Welcomes* the latest reports to the Human Rights Council of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea;[20]

7. *Reiterates its appreciation* for the report of the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea[21] established pursuant to Council resolution 31/18 of 23 March 2016,[22] including options to seek accountability and secure truth and justice for all victims;

8. *Welcomes* steps taken pursuant to Human Rights Council resolution 34/24 of 24 March 2017[23] to strengthen the capacity of the Office of the United Nations High Commissioner for Human Rights, including its field-based structure in Seoul, to allow the implementation of relevant recommendations made by the group of independent experts on accountability aimed at strengthening current monitoring and documentation efforts, establishing a central repository for information and evidence and having experts in legal accountability assess all information and testimony with

[19] A/HRC/13/13.

[20] A/HRC/34/66.

[21] A/HRC/34/66/Add.1.

[22] See *Official Records of the General Assembly, Seventy-first Session, Supplement No. 53* (A/71/53), chap. IV, sect. A.

[23] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53* (A/72/53), chap. IV, sect. A.

a view to developing possible strategies to be used in any future accountability process, and strongly encourages the Office of the United Nations High Commissioner for Human Rights to expedite the process for strengthening the capacity of the Office;

9. *Reiterates its appreciation* for the work of the commission of inquiry, recognizes the continuing importance of its report, and regrets that the commission received no cooperation from the authorities of the Democratic People's Republic of Korea, including with regard to access to the country;

10. *Acknowledges* the commission's finding that the body of testimony gathered and the information received provide reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership;

11. *Expresses its concern* at the failure of the authorities of the Democratic People's Republic of Korea to prosecute those responsible for human rights violations, including violations which the commission of inquiry has said may amount to crimes against humanity, and encourages the international community to cooperate with accountability efforts and to ensure that such crimes do not remain unpunished;

12. *Encourages* the Security Council to continue its consideration of the relevant conclusions and recommendations of the commission of inquiry and take appropriate action to ensure accountability, including through consideration of referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court and consideration of the further development of sanctions in order to target effectively those who appear to be most responsible for human rights violations that the commission has said may constitute crimes against humanity;

13. *Also encourages* the Security Council to continue to discuss the situation in the Democratic People's Republic of Korea, including the country's human rights situation, in the light of the serious concerns expressed in the present resolution, and looks forward to its continued and more active engagement on this matter;

14. *Encourages* the continuing endeavours of the Office of the United Nations High Commissioner for Human Rights field-based structure in Seoul, and welcomes its regular reporting to the Human Rights Council;

15. *Calls upon* Member States to undertake to ensure that the field-based structure of the Office of the High Commissioner can function with independence, has sufficient resources and support to fulfil its mandate, enjoys full cooperation with relevant Member States and is not subjected to any reprisals or threats;

16. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights emphasized above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Council in the context of the universal periodic review and by the commission of inquiry, the United Nations special procedures and treaty bodies;

(b) To immediately close the political prison camps and to release all political prisoners unconditionally and without any delay;

(c) To protect its inhabitants, address the issue of impunity and ensure that those responsible for crimes involving violations of human rights are brought to justice before an independent judiciary;

(d) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees through migrant smuggling, trafficking in human beings and extortion, while not criminalizing refugees and the victims of trafficking;

(e) To ensure that everyone within the territory of the Democratic People's Republic of Korea enjoys the right to liberty of movement and is free to leave the country, including for the purpose of seeking asylum outside the Democratic People's Republic of Korea, without interference by the authorities of the Democratic People's Republic of Korea;

(f) To ensure that citizens of the Democratic People's Republic of Korea who are expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of punishment, and to provide information on their status and treatment;

(g) To provide citizens of other countries detained in the Democratic People's Republic of Korea with protections, including freedom of communication with, and access to, consular officers in accordance with the Vienna Convention on Consular Relations,[24] to which the Democratic People's Republic of Korea is a party, and any other necessary arrangements to confirm their status and to communicate with their families;

(h) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other special procedures of the Human Rights Council as well as to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(i) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country;

(j) To implement the accepted recommendations stemming from the universal periodic review and to consider positively those recommendations which are still under consideration, and to submit a report to the Human Rights Council for consideration during the third review cycle;

(k) To become a member of the International Labour Organization, to enact legislation and adopt practices to comply with international labour standards and to consider ratifying all the relevant conventions, in particular the core labour conventions of the International Labour Organization;

(l) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(m) To ensure full, safe and unhindered access to humanitarian aid, as well as to critical data, and take measures to allow humanitarian agencies to secure the impartial delivery of such aid to all parts of the country, including detention facilities, on the basis of need in accordance with humanitarian principles, as it pledged to do, to ensure access to adequate food and implement more effective food security and nutrition policies, including through sustainable agriculture, sound food production

[24] United Nations, *Treaty Series*, vol. 596, No. 8638.

and distribution measures and the allocation of more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(n) To further improve cooperation with the United Nations country team members and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including progress towards the achievement of the Sustainable Development Goals;[10]

(o) To consider ratifying and acceding to the remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies, to resume reporting to monitoring bodies on treaties to which it is a party, to participate meaningfully in treaty body reviews, and to give consideration to the concluding observations of such bodies in order to improve the human rights situation in the country;

17. *Urges* the Government of the Democratic People's Republic of Korea to implement the recommendations of the commission of inquiry without delay;

18. *Reiterates* the importance of maintaining the grave human rights situation in the Democratic People's Republic of Korea high on the international agenda, including through sustained communications, advocacy and outreach initiatives, and requests the Office of the United Nations High Commissioner for Human Rights to strengthen those activities;

19. *Encourages* all Member States, the General Assembly, the Human Rights Council, the Office of the High Commissioner, the United Nations Secretariat, relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and engaged business enterprises and other stakeholders towards which the commission of inquiry has directed recommendations to implement or take forward those recommendations;

20. *Encourages* the United Nations system as a whole to continue to address the grave human rights situation in the Democratic People's Republic of Korea in a coordinated and unified manner;

21 *Encourages* the relevant United Nations programmes, funds, specialized agencies and other related organizations to assist the Government of the Democratic People's Republic of Korea in the implementation of recommendations stemming from the universal periodic review and from the report of the commission of inquiry;

22. *Calls upon* the Democratic People's Republic of Korea to engage constructively with international interlocutors with a view to promoting concrete improvements in the human rights situation on the ground, including through human rights dialogues, official visits to the country that include adequate access to fully assess human rights conditions, cooperation initiatives and more people-to-people contact as a matter of priority;

23. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its seventy-fourth session, and to this end requests the Secretary-General to submit a comprehensive report on the situation of human rights in the Democratic People's Republic of Korea, and requests the Special Rapporteur to continue to report his findings and recommendations, as well as to report on the follow-up to the implementation of the recommendations of the commission of inquiry.

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Agenda item 74 (b)

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Albania, Costa Rica, Czechia, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Israel, Italy, Latvia, Lebanon, Liberia, Lithuania, Luxembourg, Malta, Marshall Islands, Netherlands, New Zealand, Qatar, Republic of Korea, Slovenia, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

## Promotion and protection of human rights and fundamental freedoms, including the rights to peaceful assembly and freedom of association

*The General Assembly*,

*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other relevant instruments, and bearing in mind the seventieth anniversary of the Universal Declaration of Human Rights,

*Recalling* its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly referred to as the Declaration on human rights defenders, and all its subsequent resolutions on this subject, including its resolutions 66/164 of 19 December 2011, 68/181 of 18 December 2013, 70/161 of 17 December 2015 and 72/247 of 24 December 2017, and recalling also all resolutions related to the freedoms of peaceful assembly and association,

*Reaffirming* that everyone has the rights to freedom of peaceful assembly and of association and that no one may be compelled to belong to an association,

*Recognizing* that the effective exercise of the rights to freedom of peaceful assembly and of association is essential for the enjoyment of other human rights and freedoms and constitutes a fundamental pillar for building a democratic society and

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.



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strengthening democracy, as it provides individuals with invaluable opportunities to, inter alia, express their political opinions, engage in literary and artistic pursuits and other cultural, economic and social activities, engage in religious observances or other beliefs, form and join trade unions and cooperatives, and elect leaders to represent their interests and hold them accountable, and bearing in mind that all human rights are universal, indivisible, interdependent and interrelated,

*Recognizing also* that transparent, responsible, accountable, open and participatory government, responsive to the needs and aspirations of the people, is the foundation on which good governance rests, and that such a foundation is one of the indispensable conditions for the full realization of human rights, including the rights to peaceful assembly and freedom of association,

*Gravely concerned* by the grave and growing threats, risks and dangers faced by all individuals, online and offline, for exercising their rights to peaceful assembly and freedom of association, including women and other individuals who may face multiple and intersecting forms of discrimination, human rights defenders, including indigenous human rights defenders and environmental human rights defenders, and those defending persons belonging to minorities, including religious minorities, as well as labour leaders, youth, persons with disabilities and older persons, and civil society, and particularly journalists and media workers who report on their work, and the prevalence of impunity for violations and abuses against them in many countries, where they face threats, harassment and attacks and suffer insecurity, including through undue restrictions on, inter alia, the rights to freedom of opinion, expression, association or peaceful assembly, and through the abuse of criminal or civil proceedings, or acts of intimidation and reprisal intended to prevent their cooperation with the United Nations and other international bodies in the field of human rights,

*Stressing* the responsibility of Member States and encouraging stakeholders in all sectors of society and in their respective communities, including Governments and their representatives, with respect to all individuals exercising their rights to peaceful assembly and freedom of association, including women, human rights defenders, including indigenous human rights defenders and environmental human rights defenders, and those defending persons belonging to minorities, including religious minorities, as well as labour leaders, youth, persons with disabilities and older persons, and civil society, and particularly journalists and media workers, in cases of threat, harassment, violence, discrimination, racism and other violations and abuses committed against them, including killings, to categorically and clearly reject such practices and offences,

*Reiterating* that domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders, including by avoiding any criminalization, stigmatization, impediments, obstructions or restrictions thereof contrary to the obligations and commitments of States under international human rights law,

*Deploring* violations and abuses of the rights to peaceful assembly and freedom of association by State and non-State actors, including arbitrary detentions of peaceful protestors and individuals on the basis of their political opinion and affiliation, as well as individuals identified as political opponents,

1. *Urges* States to take concrete steps to prevent and put an end to the arbitrary arrest and detention of peaceful protestors and human rights defenders, and in this regard strongly urges the release of persons detained or imprisoned, in violation of the obligations of States under international human rights law, for exercising their human rights and fundamental freedoms of expression, peaceful assembly and association, including in relation to cooperation with the United Nations or other international mechanisms in the area of human rights;

2. *Strongly condemns* the use of harassment, intimidation or extrajudicial killing by State and non-State actors to violently suppress and silence individuals, par icularly young people and students, for participating in peaceful protests to call for democratic reforms;

3. *Calls upon* all States to ensure that the rights to freedom of expression, peaceful assembly and association are fully protected online and offline, particularly by refraining from shutting down the Internet and from restricting Internet content in violation of international human rights law, and by ending attacks by States and by taking steps to end attacks by non-State actors against journalists and other media workers covering demonstrations and protests, and by ending government shutdowns of news outlets attempting to report on such protests, and condemns unequivocally all attacks and violence against journalists and media workers, including through attacks on, or the forced closure of, their offices and media outlets, in both conflict and non-conflict situations;

4. *Condemns* the use by State and non-State actors of slander, threats and attacks against members of civil society, and in particular against religious leaders, including when they are attempting to use their good offices to mediate between the State and individuals trying to exercise their right to peacefully assemble;

5. *Urges* States to acknowledge, through public statements, policies, programmes or laws, the important and legitimate role of individuals, groups and organs of society in the promotion of all human rights and fundamental freedoms, including the rights to freedom of peaceful assembly and association.

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Agenda item 74 (c)

**Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

**Australia, Austria, Belgium, Canada, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, Norway, Poland, Portugal, Republic of Moldova, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Tuvalu, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution**

## Situation of human rights in the Islamic Republic of Iran

*The General Assembly*,

*Guided* by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

*Recalling* its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 72/189 of 19 December 2017,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 72/189[3] and the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Islamic Republic of Iran[4], submitted pursuant to Council resolution 37/30 of 23 March 2018;

2. *Recalls* the pledges made by the President of the Islamic Republic of Iran with regard to improving the human rights situation in the country;

3. *Welcomes* the amendments made to the Anti-Narcotics Law, passed in October 2017, which eliminated the mandatory imposition of the death penalty for certain drug-related offences and which have so far led to a significant drop in drug-related executions, while noting that many cases still have yet to be reviewed in accordance with those amendments, and encourages those within the judiciary who

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] A/73/299.
[4] A/73/398.



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are responsible for applying the law to continue to convert drug-related death sentences to prison terms;

4. *Notes* the approval by the Parliament of the Islamic Republic of Iran of the Bill for Protection of the Rights of Children and Youth, in July 2018, which, if adopted and implemented, would mark an important step forward in protecting individuals from violence and abuse;

5. *Recalls* the commitments made by the Iranian authorities with regard to improving the situation of women, and notes in this regard the introduction of the Comprehensive Bill on Ensuring the Protection of Women against Violence;

6. *Welcomes* the engagement of the Islamic Republic of Iran with human rights treaty bodies, including through the submission of periodic reports, and notes in particular the engagement of the Government of the Islamic Republic of Iran with the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities and its participation in the universal periodic review;

7. *Also welcomes* the continuing efforts of the Islamic Republic of Iran to host large numbers of Afghan refugees and to grant them access to basic services, in particular access to health care and education for children;

8. *Further welcomes* the ongoing contact with and dialogue between the Islamic Republic of Iran and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the invitations extended to other special procedures mandate holders;

9. *Welcomes* the expressed readiness of the Iranian High Council for Human Rights and other Iranian officials to engage in bilateral dialogues on human rights;

10. *Expresses serious concern*, notwithstanding the previously noted reduction so far in the number of executions for drug-related crimes, at the alarmingly high frequency of the imposition and carrying-out of the death penalty by the Islamic Republic of Iran, in violation of its international obligations, including the imposition of the death penalty against minors and persons who at the time of their offence were under the age of 18, in violation of the Convention on the Rights of the Child,[5] and executions undertaken against persons on the basis of forced confessions or for crimes that do not qualify as the most serious crimes, including crimes that are overly broad or vaguely defined, in violation of the International Covenant on Civil and Political Rights,[2] expresses concern at the continuing disregard for internationally recognized safeguards, including executions undertaken without notification of the prisoner's family members or legal counsel, and calls upon the Government of the Islamic Republic of Iran to abolish, in law and in practice, public executions, which are contrary to the 2008 directive seeking to end this practice issued by the former head of the judiciary;

11. *Calls upon* the Islamic Republic of Iran to ensure, in law and in practice, that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, which may include sexual violence, and punishments that are grossly disproportionate to the nature of the offence, in conformity with amendments to the Penal Code, the constitutional guarantees of the Islamic Republic of Iran and international obligations;

12. *Urges* the Islamic Republic of Iran to cease the widespread and systematic use of arbitrary detention, including the use of this practice to target dual and foreign nationals, to release those who have been arbitrarily detained and to uphold, in law and in practice, procedural guarantees to ensure fair trial standards, including timely

[5] United Nations, *Treaty Series*, vol. 1577, No. 27531.

access to legal representation of one's choice from the time of arrest through all stages of trial and all appeals, the right not to be subjected to torture, cruel and inhuman or degrading treatment or punishment and consideration of bail and other reasonable terms for release from custody pending trial;

13. *Calls upon* the Islamic Republic of Iran to release persons detained for the exercise of their human rights and fundamental freedoms, including those who have been detained solely for taking part in peaceful protests, to consider rescinding unduly harsh sentences, including those involving the death penalty and long-term internal exile, and to end reprisals against individuals, including for cooperating or attempting to cooperate with the United Nations human rights mechanisms;

14. *Also calls upon* the Islamic Republic of Iran to address the poor conditions of prisons, to end the practice of deliberately denying prisoners access to adequate medical treatment, which creates a consequent risk of death, and to put an end to the continued and sustained house arrest of leading opposition figures from the 2009 presidential elections despite serious concerns about their health, as well as the pressure exerted upon their relatives and dependants, including through arrest, and calls upon the Islamic Republic of Iran to establish credible and independent prison oversight authorities to investigate complaints of abuse;

15. *Further calls upon* the Islamic Republic of Iran, including the judicial and security branches, to create and maintain, in law and in practice, a safe and enabling environment in which an independent, diverse and pluralistic civil society can operate free from hindrance and insecurity, and urges the Islamic Republic of Iran to end widespread and serious restrictions, in law and in practice, on the right to freedom of expression and opinion, including in digital contexts, and the right to freedom of association and peaceful assembly, and to end its harassment, intimidation and persecution of political opponents, human rights defenders, women's and minority rights defenders, labour leaders, students' rights defenders, environmentalists, academics, film-makers, journalists, bloggers, social media users and social media page administrators, media workers, religious leaders, artists, lawyers and their families and persons belonging to recognized and unrecognized religious minorities and their families, wherever it may occur;

16. *Strongly urges* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls, including with respect to the right to freedom of movement, the right to enjoyment of the highest attainable standard of physical and mental health, the right to freedom of religion or belief and the right to work, to take measures to ensure protection for women and girls against violence and their equal protection and access to justice, to address the concerning incidence of child, early and forced marriage, as recommended by the Committee on the Rights of the Child, to promote, support and enable women's participation in political and other decision-making processes, and, while recognizing the high enrolment of women in all levels of education in the Islamic Republic of Iran, to lift restrictions on women's equal access to all aspects of education and women's equal participation in the labour market and in all aspects of economic, cultural, social and political life;

17. *Calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to ethnic, linguistic, recognized or unrecognized religious minorities or other minorities, including but not limited to Arabs, including Ahwaz, Azeris, Balochis, Kurds and Turkmen, and their defenders;

18. *Expresses serious concern* about ongoing severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, restrictions on the establishment of places of worship, attacks against places of

worship and burial and other human rights violations, including but not limited to harassment, intimidation, persecution, arbitrary arrests and detention, denial of access to education and incitement to hatred that leads to violence against persons belonging to recognized and unrecognized religious minorities, including Christians, Gonabadi Dervishes, Jews, Sufi Muslims, Sunni Muslims, Yarsanis, Zoroastrians and members of the Baha'i faith and their defenders in the Islamic Republic of Iran, and calls upon the Government of the Islamic Republic of Iran to release all religious practitioners imprisoned for their membership in or activities on behalf of a recognized or unrecognized minority religious group, including the remaining imprisoned member of the Baha'i leadership, whom the Working Group on Arbitrary Detention of the Human Rights Council has declared to have been arbitrarily detained since 2008;

19. *Calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination on the basis of thought, conscience, religion or belief, including economic restrictions, such as the closure or confiscation of businesses and properties, the cancellation of licences and the denial of employment in certain public and private sectors, including government or military positions and elected office, and other human rights violations against persons belonging to recognized and unrecognized religious minorities, and to end impunity for those who commit crimes against persons belonging to recognized and unrecognized religious minorities;

20. *Also calls upon* the Islamic Republic of Iran to launch a comprehensive accountability process in response to all cases of serious human rights violations, including allegations of excessive use of force against peaceful protesters and cases of suspicious deaths in custody, as well as violations involving the Iranian judiciary and security agencies, and calls upon the Government of the Islamic Republic of Iran to end impunity for such violations;

21. *Further calls upon* the Islamic Republic of Iran to implement its obligations under those human rights treaties to which it is already a party, to withdraw any reservations that are imprecise or could be considered incompatible with the object and purpose of the treaty, to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party and to consider ratifying or acceding to the international human rights treaties to which it is not already a party;

22. *Calls upon* the Islamic Republic of Iran to deepen its engagement with international human rights mechanisms by:

(a) Cooperating fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including by accepting the repeated requests made by the Special Rapporteur to visit the country in order to carry out the mandate;

(b) Increasing cooperation with other special mechanisms, including by facilitating long-standing requests for access to the country from thematic special procedures mandate holders, whose access to its territory has been restricted or denied, despite the standing invitation issued by the Islamic Republic of Iran, without imposing undue conditions upon those visits;

(c) Continuing to enhance its cooperation with the treaty bodies, including by submitting overdue reports under the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination[6] and the International Covenant on Economic, Social and Cultural Rights;[2]

(d) Implementing all accepted universal periodic review recommendations from its first cycle, in 2010, and its second cycle, in 2014, with the full and genuine

[6] United Nations, *Treaty Series*, vol. 660, No. 9464.

participation of independent civil society and other stakeholders in the implementation process, and by engaging constructively in its upcoming third cycle in 2019;

(e) Building upon the engagement of the Islamic Republic of Iran with the universal periodic review process by continuing to explore cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

(f) Following through on its commitment to establish an independent national human rights institution, made in the context of both its first and its second universal periodic reviews by the Human Rights Council, with due regard for the recommendation of the Committee on Economic, Social and Cultural Rights;

23. *Calls upon* the Islamic Republic of Iran to continue to translate the pledges made by the President of the Islamic Republic of Iran with respect to human rights concerns into concrete action that results in demonstrable improvements as soon as possible and to ensure that its national laws are consistent with its obligations under international human rights law and that they are implemented in accordance with its international obligations;

24. *Also calls upon* the Islamic Republic of Iran to address the substantive concerns highlighted in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations in law and in practice;

25. *Strongly encourages* the relevant thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran;

26. *Requests* the Secretary-General to report to the General Assembly at its seventy-fourth session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its fortieth session;

27. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its seventy-fourth session under the item entitled "Promotion and protection of human rights".

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**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Egypt and Mexico: draft resolution**

## Terrorism and human rights

*The General Assembly*,

*Guided* by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[2] the International Covenant on Civil and Political Rights[2] and other relevant international human rights instruments,

*Recalling* all relevant resolutions of the General Assembly, the Security Council, the Commission on Human Rights and the Human Rights Council concerning human rights and terrorism, the most recent of which are Assembly resolutions 72/180 of 19 December 2017 and 72/246 of 24 December 2017 and Human Rights Council resolutions 34/8 of 23 March 2017,[3] 35/34 of 23 June 2017[4] and 37/27 of 23 March 2018,[5]

*Emphasizing* that all human rights are universal, indivisible, interdependent and interrelated,

*Reaffirming* the obligation of States to respect all human rights and fundamental freedoms and the fundamental importance of respecting the rule of law,

*Reaffirming also* its unequivocal condemnation of all acts, methods and practices of terrorism and violent extremism conducive to terrorism, in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, and of the financial, material or political support of terrorism as unjustifiable in accordance with applicable international law,

[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Seventy-second session, Supplement No. 53* (A/72/53), chap. IV, sect. A.

[4] Ibid., chap. V, sect. A.

[5] Ibid., *Seventy-third session, Supplement No. 53* (A/73/53), chap. IV, sect. A.

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*Recognizing* that terrorism and violent extremism conducive to terrorism have a detrimental effect on the full enjoyment of all human rights and fundamental freedoms and impede the full enjoyment of political, civil, economic, social and cultural rights, and that they pose a threat to the territorial integrity and security of States, the stability of Governments, the rule of law and democracy and, ultimately, to the functioning of societies and international peace and security,

*Emphasizing* that terrorism and violent extremism conducive to terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group, and that tolerance, pluralism, inclusion and respect for diversity, dialogue among civilizations and the enhancement of interfaith and intercultural understanding and respect among people, including at the national, regional and global levels, while combating the escalation of hatred, are among the most important elements in the promotion of cooperation and success in preventing and combating terrorism, and welcoming the various initiatives to that end,

*Reaffirming* that States must ensure that any measure taken to counter terrorism and violent extremism conducive to terrorism complies with international law, in particular international human rights law, international refugee law and international humanitarian law,

*Reaffirming also* its commitment to the United Nations Global Counter-Terrorism Strategy and its four pillars, as adopted by the General Assembly in its resolution 60/288 of 8 September 2006, which reaffirm, inter alia, respect for human rights for all and the rule of law as being the fundamental basis of the fight against terrorism, and its fifth review, in Assembly resolution 70/291 of 1 July 2016,

*Reaffirming further* that the promotion and the protection of human rights for all and the rule of law are essential to the fight against terrorism and violent extremism conducive to terrorism, and recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but are complementary and mutually reinforcing,

*Deploring* attacks on religious places and shrines and cultural sites in violation of international law, in particular international human rights law and international humanitarian law, as applicable, including all deliberate destruction of relics, monuments or religious sites,

*Strongly condemning* the recruitment and use of children to perpetrate terrorist attacks and all violations and abuses committed by terrorist groups against children and women, including killing and maiming, abduction and rape and other forms of sexual violence, and noting that such violations and abuses may amount to war crimes or crimes against humanity,

*Deeply deploring* the suffering caused by terrorism to the victims and their families and, while stressing the need to promote and protect the rights of victims of terrorism, in particular women and children, reaffirming its profound solidarity with them, and stressing the importance of providing them with proper support and assistance while respecting, inter alia, considerations regarding remembrance, dignity, respect, accountability, truth and justice, in accordance with international law,

*Expressing deep concern* that acts of sexual and gender-based violence are known to be part of the strategic objectives and ideology of certain terrorist groups and are used as an instrument to increase their power through supporting financing and recruitment and through the destruction of communities,

*Expressing its grave concern* at the phenomenon of foreign terrorist fighters and at the threat it poses to all States, including countries of origin, transit and destination, and encouraging all States to address this threat by enhancing their cooperation and

developing relevant measures to tackle this phenomenon, in accordance with their obligations under international law, including international human rights law, international refugee law and international humanitarian law,

*Recognizing* that countering terrorism requires a comprehensive approach and a multidimensional strategy to tackle the factors underlying terrorism,

*Conscious* that there are a number of drivers underlying radicalization to terrorism, and that development based on the principles of social justice, inclusion and equal opportunities can contribute to the prevention of terrorism and violent extremism conducive to terrorism and to the promotion of inclusive, open and resilient societies, notably through education, and affirming the determination of States to work towards conflict resolution, to confront oppression, to eradicate poverty, to promote sustained economic growth, sustainable development, global prosperity, good governance, human rights and fundamental freedoms for all and the rule of law, to improve intercultural understanding and to promote respect for all,

*Renewing* its unwavering commitment to strengthening international cooperation to prevent and combat terrorism and violent extremism conducive to terrorism in all their forms and manifestations, in compliance with the obligations of States under international law,

1. *Strongly condemns* all terrorist acts as criminal and unjustifiable, and expresses grave concern at their detrimental effects on the enjoyment of all human rights;

2. *Stresses* that States have a responsibility to protect individuals within their territory and subject to their jurisdiction from acts of terrorism, to take effective counter-terrorism measures and to investigate and prosecute those responsible for carrying out such acts, and emphasizing the importance of ensuring that counter-terrorism laws, measures and practices are in accordance with international law;

3. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law;

4. *Expresses serious concern* at the violations of human rights and fundamental freedoms and of international refugee law and international humanitarian law in the context of countering terrorism and violent extremism conducive to terrorism;

5. *Expresses concern* that terrorists and terrorist groups have targeted communities and individuals, as well as Governments, including on the basis of religion or belief and/or ethnicity;

6. *Reaffirms* its profound solidarity with the victims of terrorism and their families, and acknowledges the importance of protecting their rights and providing them with proper support, assistance and rehabilitation while taking into account, when appropriate, considerations regarding remembrance, dignity, respect, justice and truth in a way that promotes accountability and ends impunity, and encourages the enhancement of international cooperation and the exchange of expertise in this respect, in accordance with international law;

7. *Stresses* the importance of ensuring access to justice and accountability and calls upon States to ensure that any person who alleges that his or her human rights or fundamental freedoms have been violated by measures taken or measures employed to counter terrorism or violent extremism conducive to terrorism has access to justice, due process and an effective remedy, and that victims of human rights violations and abuses receive adequate, effective and prompt remedy and reparation

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... include, as appropriate, restitution, compensation, rehabilitation and guarantees of non-repetition as a fundamental basis of any strategy to counter terrorism and violent extremism conducive to terrorism;

... *also stresses* the importance of developing and maintaining effective, fair, human rights-compliant and accountable criminal justice systems in a manner that fully respects and protects rights to equality and non-discrimination in the administration of justice, to a fair and public hearing by a competent, independent and impartial tribunal, to a review of detention and to the presumption of innocence and other fundamental judicial guarantees, in accordance with their obligations under international law, including international human rights law, international humanitarian law and international refugee law;

... *Reminds* States to fully comply with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, with regard to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

10. ... *urges* States to ensure that measures taken to counter terrorism and violent extremism conducive to terrorism are not discriminatory, and not to resort to profiling based on stereotypes founded on ethnic, racial or religious grounds or any other ground of discrimination prohibited by international law;

11. *Recognizes* the important role of religious leaders and institutions, local communities and community leaders in preventing and countering terrorism and violent extremism conducive to terrorism;

12. *Also recognizes* the important role of women in preventing and countering terrorism and violent extremism conducive to terrorism, and requests States to consider, when appropriate, the impact of counter-terrorism strategies on women's and children's human rights, and to seek consultations with their respective organizations when developing strategies to counter terrorism and violent extremism conducive to terrorism;

13. *Urges* States to take measures to ensure that counter-terrorism laws and implementing measures are consistent with, and are applied in a manner that fully respects the rights enshrined in, the Universal Declaration of Human Rights and the obligations of States under international human rights law, in particular the International Covenant on Civil and Political Rights, with a view to ensuring respect for the principles of legal certainty and legality;

14. *Strongly condemns* terrorist acts and all acts of violence committed by terrorist groups, including trafficking in persons, kidnapping and hostage-taking with demands for ransom and/or political concessions, and the continued systematic and widespread abuses of human rights perpetrated by such groups, and calls upon all Member States to prevent terrorists from benefiting from ransom payment and political concessions and to secure the safe release of hostages, in accordance with applicable legal obligations, while noting the initiatives in this regard, including the Algiers Memorandum on Good Practices on Preventing and Denying the Benefits of Kidnapping for Ransom by Terrorists;

15. *Urges* States to do all they can, in accordance with their obligations under international law, to prevent any political, material or financial support from reaching terrorist groups, to deny terrorists safe haven, freedom of operation, movement and recruitment and to criminalize the wilful provision or collection by any means, directly or indirectly, of funds by their nationals or in their territories with the intention that the funds be used, or with the knowledge that they are to be used, by terrorist groups for any purpose, and to bring to justice or, where appropriate, extradite the perpetrators of terrorist acts or any person who supports, facilitates or

participates, or attempts to participate, in the financing, planning or preparation of terrorist acts;

16. *Requests* States to refrain from providing support to entities or persons involved in terrorist acts, including support in establishing propaganda platforms advocating hatred that constitutes incitement to discrimination, hostility or violence, including through the Internet and other media, and emphasizes in this regard the key importance of full respect for the right to freedom of opinion and expression as set out in the International Covenant on Civil and Political Rights;

17. *Urges* States to adopt rehabilitation and reintegration strategies for returning foreign terrorist fighters, in line with good practices, such as those set out in the Hague-Marrakech Memorandum on Good Practices for a More Effective Response to the Foreign Terrorist Fighter Phenomenon of the Global Counterterrorism Forum, and to adopt a comprehensive approach that includes, inter alia, the development of national centres for counsel and the prevention of radicalization to violence, which can play an important role together with criminal justice responses;

18. *Renews its commitment* to strengthening international cooperation to prevent and counter terrorism in accordance with international law, including the Charter of the United Nations, international human rights law and international humanitarian law, including through technical cooperation, capacity-building and the exchange of information and intelligence on countering terrorism, and in that regard calls upon States and relevant regional and subregional organizations, as appropriate, to continue to implement the United Nations Global Counter-Terrorism Strategy and its four pillars;

19. *Strongly encourages* relevant United Nations agencies, including those involved in supporting counter-terrorism efforts, to take into account in their technical assistance with regard to counter-terrorism efforts, whenever appropriate, the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law, and to continue to facilitate the promotion and protection of human rights and fundamental freedoms, due process and the rule of law, while countering terrorism;

20. *Requests* all Governments to cooperate fully with the Special Rapporteur of the Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism in the performance of her mandated tasks and duties;

21. *Urges* States and the international community, and encourages civil society, to take measures, as appropriate, including through education, awareness-raising, the media and human rights education and training, to promote a culture of peace, justice and human development, ethnic, national and religious tolerance, and respect for all religions, religious values, beliefs and cultures, and to effectively address the conditions conducive to the spread of terrorism and that make individuals and groups more vulnerable to the effects of terrorism and to recruitment by terrorists;

22. *Emphasizes* that mutual respect, tolerance, pluralism, inclusion and respect for diversity, dialogue among civilizations and the enhancement of interfaith and intercultural understanding, and combating intolerance, discrimination and hatred that constitutes incitement to discrimination, hostility or violence on the basis of religion or belief, or any other basis, including at the national, regional or global levels, are among the most important elements in promoting cooperation and success in preventing and combating terrorism and violent extremism conducive to terrorism, and welcomes the various initiatives to that end;

23. *Acknowledges* that the active participation of civil society can strengthen ongoing governmental efforts to protect human rights and fundamental freedoms

while countering terrorism and to assess the impact of terrorism on the enjoyment of all human rights, and calls upon States to ensure that measures to counter terrorism and violent extremism conducive to terrorism and to preserve national security do not hinder their work and safety and are in compliance with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law;

24. *Calls upon* Member States to remain alert to the use of information and communications technology for terrorist purposes and to cooperate to counter violent extremist propaganda and incitement to violence on the Internet and social media, including by developing effective counter-narratives, and to prevent terrorists from recruiting and raising funds online for terrorist purposes, while respecting human rights and fundamental freedoms, in compliance with their obligations under international law, and stresses the importance of cooperation with civil society and the private sector in this endeavour;

25. *Expresses its concern* at the increasing use, in a globalized society, by terrorists and their supporters, of information and communications technology, in particular the Internet and other media, to advocate, commit, incite, recruit for, fund or plan terrorist acts, urges States to take appropriate preventive measures in this regard while acting in full compliance with their obligations under international law, and reiterates that such technologies can be powerful tools in countering the spread of terrorism, including by promoting tolerance, dialogue among peoples and peace;

26. *Invites* all treaty bodies, special procedure mandate holders, international and regional human rights mechanisms and the United Nations High Commissioner for Human Rights, within their respective mandates, to pay due attention to the negative impact of terrorism on the enjoyment of all human rights and fundamental freedoms and on alleged violations of human rights and fundamental freedoms while countering terrorism and violent extremism conducive to terrorism, and to report regularly to the Human Rights Council;

27. *Requests* the Office of the United Nations High Commissioner for Human Rights and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to continue to contribute to the work of the Office of Counter-Terrorism through, inter alia, participation in the Counter-Terrorism Implementation Task Force;

28. *Encourages* the Security Council, the Counter-Terrorism Committee and the Counter-Terrorism Committee Executive Directorate to strengthen, within their mandates, the links, cooperation and dialogue with relevant human rights bodies, giving due regard to the promotion and protection of human rights and the rule of law in their ongoing work relating to counter-terrorism;

29. *Encourages* relevant United Nations bodies and entities and international, regional and subregional organizations, in particular those participating in the Counter-Terrorism Implementation Task Force, which provide technical assistance upon request, to step up their efforts to ensure respect for international human rights law, international refugee law and international humanitarian law, as well as the rule of law, as an element of technical assistance, including in the adoption and implementation of legislative and other measures by States;

30. *Calls upon* international, regional and subregional organizations to strengthen information-sharing, coordination and cooperation in promoting the protection of human rights, fundamental freedoms and the rule of law while countering terrorism;

31. *Requests* the Secretary-General to also consider the implementation of the present resolution for the report to be presented at the seventy-fourth session of the General Assembly, as requested by the Assembly in its resolution 72/180.

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**Third Committee**

Agenda item 74 (b)

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

**Albania, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechia, Denmark, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Poland, Portugal, Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland and Venezuela (Bolivarian Republic of): draft resolution**

## Moratorium on the use of the death penalty

*The General Assembly*,

*Guided* by the purposes and principles contained in the Charter of the United Nations,

*Reaffirming* the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the Convention on the Rights of the Child,[3]

*Recalling* the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,[4] and in this regard welcoming the increasing number of accessions to and ratifications of the Second Optional Protocol,

*Recalling* also its resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010, 67/176 of 20 December 2012,

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[4] Ibid., vol. 1642, No. 14668.



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69/186 of 18 December 2014 and 71/187 of 19 December 2016 on the question of a moratorium on the use of the death penalty, in which the General Assembly called upon States that still maintain the death penalty to establish a moratorium on executions with a view to abolishing it,

*Recalling further* all relevant decisions and resolutions of the Human Rights Council, the most recent of which was resolution 36/17 of 29 September 2017,[5]

*Mindful* that any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable,

*Convinced* that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty,

*Noting* ongoing local and national debates and regional initiatives on the death penalty, as well as the readiness of an increasing number of Member States to make available to the public information on the use of the death penalty, and also, in this regard, the decision by the Human Rights Council in its resolution 26/2 of 26 June 2014[6] to convene biennial high-level panel discussions in order to further exchange views on the question of the death penalty,

*Recognizing* the role of national human rights institutions in contributing to ongoing local and national debates and regional initiatives on the death penalty,

*Welcoming* the considerable movement towards the abolition of the death penalty globally and the fact that many States are applying a moratorium, including long-standing moratoriums, either in law or in practice, on the use of the death penalty,

*Emphasizing* the need to ensure that persons facing the death penalty have access to justice without discrimination, including access to legal counsel, and that they are treated with humanity and with respect for their inherent dignity and in compliance with their rights under international human rights law,

*Noting with deep concern* that, as shown in recent reports of the Secretary-General, frequently, poor and economically vulnerable persons, foreign nationals, persons exercising their human rights and persons belonging to religious or ethnic minorities are disproportionately represented among those sentenced to the death penalty,[7]

*Noting* the technical cooperation among Member States, as well as the role of relevant United Nations entities and human rights mechanisms, in supporting State efforts to establish moratoriums on the death penalty,

*Bearing in mind* the work of special procedures mandate holders who have addressed human rights issues related to the death penalty within the framework of their respective mandates,

1. *Expresses its deep concern* about the continued application of the death penalty;

2. *Welcomes* the report of the Secretary-General on the implementation of resolution 71/187 and the recommendations contained therein;[8]

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[5] See *Official Records of the General Assembly, Seventy-second Session, Supplement No. 53A* (A/72/53/Add.1), chap. III.

[6] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. V, sect. A.

[7] See, inter alia, A/70/304 and A/73/260.

[8] A/73/260.

3. *Also welcomes* the steps taken by some States to reduce the number of offences for which the death penalty may be imposed, as well as steps taken to limit its application;

4. *Further welcomes* initiatives and political leadership encouraging national discussions and debates on the possibility of moving away from capital punishment through domestic decision-making;

5. *Welcomes* the decisions made by an increasing number of States from all regions, at all levels of government, to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;

6 *Calls upon* all States:

(a) To respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, as well as to provide the Secretary-General with information in this regard;

(b) To comply with their obligations under article 36 of the 1963 Vienna Convention on Consular Relations,[9] particularly the right to receive information on consular assistance;

(c) To make available relevant information, disaggregated by sex, age, nationality and race, as applicable, and other applicable criteria, with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the number of executions carried out, the number of death sentences reversed or commuted on appeal and information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty;

(d) To progressively restrict the use of the death penalty and not to impose capital punishment for offences committed by persons below 18 years of age, on pregnant women or on persons with mental or intellectual disabilities;

(e) To reduce the number of offences for which the death penalty may be imposed, including by considering removing the mandatory application of the death penalty;

(f) To ensure that those facing the death penalty can exercise their right to apply for pardon or commutation of their death sentence by ensuring that clemency procedures are fair and transparent and that prompt information is provided at all stages of the process;

(g) To ensure that the death penalty is not applied on the basis of discriminatory laws or as a result of discriminatory or arbitrary application of the law;

(h) To establish a moratorium on executions with a view to abolishing the death penalty;

7. *Calls upon* States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard;

8. *Encourages* States which have a moratorium to maintain it and to share their experience in this regard;

[9] United Nations, *Treaty Series*, vol. 596, No. 8638.

9. *Calls upon* States that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;[4]

10. *Requests* the Secretary-General to report to the General Assembly at its seventy-fifth session on the implementation of the present resolution;

11. *Decides* to continue consideration of the matter at its seventy-fifth session under the item entitled "Promotion and protection of human rights".